

103
HUMAN RIGHTS ABUSES AGAINST WOMEN

Y 4. F 76/1: H 88/65

Human Rights Abuses Against Women,...

EARINGS

BEFORE THE

SUBCOMMITTEE ON
INTERNATIONAL SECURITY, INTERNATIONAL
ORGANIZATIONS AND HUMAN RIGHTS

OF THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRD CONGRESS

FIRST AND SECOND SESSIONS

SEPTEMBER 28 AND 29, 1993;
OCTOBER 20, 1993; AND
MARCH 22, 1994

Printed for the use of the Committee on Foreign Affairs



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HUMAN RIGHTS ABUSES AGAINST WOMEN

TUESDAY, SEPTEMBER 28, 1993

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
SUBCOMMITTEE ON INTERNATIONAL SECURITY,
INTERNATIONAL ORGANIZATIONS AND HUMAN RIGHTS,
Washington, DC.

The subcommittee met, pursuant to call, at 2:05 p.m. in room 2200, Rayburn House Office Building, Hon. Tom Lantos (chairman of the subcommittee) presiding.

Mr. LANTOS. The Subcommittee on International Security, International Organizations and Human Rights will be in order.

Today, the subcommittee in the first of a series of hearings, will address the full range of human rights abuses against women. As a country that has made human rights the centerpiece of its foreign policy, we can no longer permit gender-driven discrimination and violence to be relegated to the sidelines of public consciousness. These hearings are convened to ensure that abuses against women will figure prominently in all foreign assistance deliberations. Women's concerns will be an integral component of our foreign policy.

The plight of millions of women has worsened since our last hearings on this devastating issue in 1990. Violence and discrimination against women has increased, spurred on by deteriorating economic conditions, ethnic and national conflicts and a meteoric rise in religious fundamentalism. Women continue to labor under the weight of centuries-old cultural and social traditions in their quest to attain full civil and human rights.

For too long, there has been a reluctance to deal with abuses against women. Violence directed at women was viewed as a private issue not for airing in the public arena. Even in the United States, the police and the judiciary have been loath to interfere in so-called domestic disputes, even though these domestic disputes occasionally entail battery and sometimes lead to death. We are only now beginning in this country to see these outrages against women for what they are and to take action to end them.

Abroad, of course, the situation is infinitely worse. And many human rights activists who would be quick to reject any constraints on freedom of speech, religion or assembly, are hesitant to condemn abuses against women for fear of becoming accused of cultural insensitivity. Although the international human rights community has long insisted that fundamental human rights are universal and cannot be diminished by ethnic or religious traditions, there has been an unconscionable double standard regarding women's rights.

No country escapes unscathed on the issue of treatment of women.

Women face life-threatening discrimination due to an overwhelming preference for sons. The combined totals of females missing—and when I say females missing, I include little baby girls who were killed—the combined totals of females missing in Bangladesh, Afghanistan, India, Pakistan and China exceeds some 77 million human beings. This is more than the entire combined populations of California, New York, Texas and Florida.

Widow burning in India, bridal kidnappings in the country of Georgia, and the use of rape as a tool of torture in Africa and Latin America continue unabated. While the use of rape to subjugate, humiliate, and brutalize women has long existed, it has taken the horrors of Bosnia to focus world attention on this issue.

Over 100 million women worldwide have been subjected to the brutal practice of female genital mutilation. Those that survive the operation suffer a lifetime of physical and psychological pain. Six thousand additional girls and women are at risk every single day.

Women worldwide have far less access to the tools of development—from education to health care—necessary to better their living standards and break the cycles of violence.

Women also remain the world's largest underrepresented group in the workplace. The international labor organization reports that it would take at current rates of progress some 475 years for women to achieve parity with men in the higher echelons of political and economic power worldwide.

It is incomprehensible to me why the simple and just act of respecting the civil and human rights of one half of humanity—the women—seems beyond our grasp. And why, given the totality of the abuses against women, it was not until the United Nations World Conference on Human Rights last June, at the closing years of the 20th century, that violence against women was recognized explicitly as an abuse of human rights.

I am eager to learn from our distinguished panel of witnesses today their suggestions for concrete actions to ensure that human rights abuses against women do not again become surrounded by a cloak of invisibility.

Before calling on our distinguished panel, I would like to call on my good friend and colleague, Congressman Bereuter, for opening statements.

[The prepared statement of Mr. Lantos follows:]

**Statement by
Congressman Tom Lantos
Chairman
Subcommittee for International Security,
International Operations, and Human Rights**

Hearing on Human Rights Abuses Against Women

September 28, 1993

Today the Subcommittee on International Security, International Organizations, and Human Rights--in the first of a series of hearings--will address the full range of human rights abuses against women. As a country that has made human rights the centerpiece of its foreign policy, we can no longer permit gender-driven discrimination and violence to be relegated to the side lines of public consciousness. These hearings are convened to ensure that abuses against women will figure prominently in all foreign assistance deliberations. Women's concerns should be an integral component of our foreign policy.

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For too long there has been a reluctance to deal with abuses against women. Violence directed at women was viewed as a private issue not for airing in the public arena. Even in the United States, the police and the judiciary have been loath to interfere in so-called domestic disputes, even though they often entail battery and sometimes lead to death. We are only now beginning in this country to see these outrages against women for what they are and to take action to end them.

Abroad the situation is far worse, and many human rights activists, who would be quick to reject any constraints on freedom of speech, religion, or assembly, are hesitant to condemn abuses against women for fear of being

accused of cultural insensitivity. Although the international human rights community has long insisted that fundamental human rights are universal and cannot be diminished by ethnic or religious traditions, there has been an unconscionable double standard regarding women's rights.

No country escapes unscathed on the issue of treatment of women.

- Women face life threatening discrimination due to an overwhelming preference for sons. The combined totals of females missing in Bangladesh, Afghanistan, India, Pakistan, and China exceeds 77 million, according to U.N. statistics. This is more than the entire combined populations of California, New York, Texas and Florida.
- Widow-burning in India, bridal kidnappings in the country of Georgia and the use of rape as a tool of torture in Africa and Latin America continue unabated. While the use of rape to subjugate, humiliate, and brutalize women has long existed, it has taken the horrors of Bosnia to focus world attention on this issue.
- Over 100 million women worldwide have been subjected to the brutal practice of female genital mutilation. Those that survive the operation suffer a lifetime of physical and psychological pain. 6,000 additional girls and women are at risk each day.
- Women worldwide have far less access to the tools of development--from education to health care--necessary to better their living standards and break the cycles of violence.
- Women also remain the world's largest under-represented group in the workplace. The International Labor Organization reports that it will take 475 years for women to achieve parity with men in the higher echelons of political and economic power worldwide.

It is incomprehensible to me why the simple and just act of respecting the civil and human rights of one half of humanity--the women--seems beyond our grasp. And why--given the totality of the abuses against women--it was not until the United Nations World Conference on Human Rights last June--the closing years of the 20th Century--that violence against women was recognized explicitly as an abuse of human rights.

I will be eager to learn from our distinguished witnesses today, their suggestions for concrete actions to ensure that human rights abuses against women do not again become surrounded by a cloak of invisibility.

Without question, the United States must assume a greater leadership role on this issue. To that end, ratification of the Convention on the Elimination of All Forms of Discrimination Against Women assumes greater urgency. Support for this treaty is consistent with declarations by the Administration reaffirming the centrality of human rights in its foreign policy. Tomorrow, in the second of our series of hearings on this topic, we will examine the Administration's position on the Women's Convention and other strategies for combating human rights abuses against women.

The demonstrated capability of women rights activists to transcend differences to unite in their efforts to protect the human and civil rights of women worldwide offers a glimmer of hope in this bleak landscape. We are honored to have with us today such activists for change. Thanks to the unflinching efforts of our witnesses and of many of those in the audience, a strong international consensus that women's rights are inalienable, integral, and an indivisible part of universal human rights is now emerging. We hope that this hearing will contribute to the campaign to improve the status of women and to enhance protection of their rights.

Mr. BEREUTER. Thank you, Mr. Chairman. I welcome our colleagues for today. I want to thank you for scheduling this important series of hearings.

Normally, when the Congress expresses concerns about human rights, we look at the behavior of a specific country. We look, for example, at whether "Country x" is engaged in torture or whether "country y" is oppressing minorities. But today we are considering the transnational systematic pattern of gender abuse.

There is an appalling litany of gender-based human rights abuses that arise solely on the basis of gender. The slave trade of young women, forced prostitution, widow burning, human sacrifice, physical mutilation, selective malnutrition of female children, and female infanticide are all too common.

There are also more subtle but equally devastating forms of discrimination against women. In many countries, women are denied an education and thus are forced to repeat the endless cycle of poverty. In the past, many of these abuses have been passed off as mere differences in culture. Indeed, at this summer's Vienna Conference on Human Rights, there was an aggressive effort to dilute international human rights principles to account for cultural differences. It is argued that we in the West simply do not understand the complex social institutions that have given rise to gender abuse.

But I think we will not be misled, Mr. Chairman, slavery, forced prostitution, bride burning and the rest of the litany of abuses against women should not and must not be excused as cultural idiosyncracies.

I would welcome our initial witnesses, the gentlelady from Maine, Ms. Snowe, the gentlelady from Colorado, Mrs. Schroeder, and the gentleman from New Hampshire, Mr. Swett. Let me note particularly that Ms. Snowe is a member of this subcommittee and has worked closely with the Majority and Minority staff on the selection of witnesses and the issues to be raised.

As co-chairpersons of the Congressional Caucus on Women's Issues, both of these ladies have had a pivotal role in raising our awareness of gender-driven human rights abuses. I look forward to the testimony of all three of our distinguished colleagues and other witnesses as we proceed through this series of hearings. Thank you Mr. Chairman.

Mr. LANTOS. Thank you. Congressman Smith.

Mr. SMITH. Thank you, Mr. Chairman.

Mr. Chairman, I want to thank you and Mr. Bereuter for your leadership and for scheduling these hearings. They are very, very important not only for this committee but the country and the world so that these issues can be highlighted and focused upon.

It is tragic, but true, that violence against women and human rights abuses based on gender continue unabated around the world. In some years, these crimes escalate. Each of us, women and men alike, absolutely must find ways to provide tangible protection for women and girls and strive to provide more legal and moral justice.

Mr. Chairman, I participated in the hearings which this subcommittee held 3 years ago. Since that time, I have been encouraged by the growing attention given not only by many researchers

and activists in our country but by women and community religious leaders in countries where the abuses are rampant. But I am discouraged by the growing numbers of acts of violence and barbarity committed against women.

It is shocking but true that young women and girls are sometimes sold by their parents into prostitution, and the owners and slave masters face little or no arrest or prosecution because of these crimes. The barbaric brutal practice of female genital mutilation continues unchecked and inflicted on as many as 114 million young girls and women around the globe, particularly in Africa, with the progressive promotion of sex-determined abortions in China and India and the use of such things as sonograms which ought to be a diagnostic tool but now are being used to discover the gender and then abort the female.

And with the increase in the number of female infanticides and the practice of depriving baby girls of scarce nutritional care, demographers, as the Chairman pointed out, are beginning to see frightening and disproportionate differences in the numbers of men and women, not only in China, which seems to be the worst offender because of its one child per couple policy, but also in Bangladesh, Afghanistan, Pakistan and India.

The impacts on mothers and babies should bring tears to our eyes and resolve to our actions. The fate of hundreds of millions of women in China should be summed up in a recent article that was in the *New York Times* which just talked about one particular woman who in the Hunan province had been through the forced abortion regimen of the Chinese Government. I quote: "She should be taking her 2-month-old baby out around the village proudly nursing him and teaching him about life, but instead the baby is buried under a mound of dirt and she spends her time lying in bed emotionally crushed and physically crippled." This is the reality of the birth quota system in China.

The war in Bosnia and the horrific orders given to soldiers in that war to commit rape against women and young girls is one of the most egregious war crimes. I serve as the ranking Member on the Helsinki Commission, and one of the most frightening and horrible hearings that we have ever had on that committee was when two women who had been forcibly raped as part of the Serbian policy of ethnic cleansing came before our commission and talked about that horrifying experience. It just makes you want to do so much more than we have done to stop that brutal war in Bosnia. But it also underscores how women are so vulnerable, particularly in war-torn areas.

Mr. Chairman, I acknowledge that the international documents that are often signed at United Nations fora sometimes can be helpful in highlighting the abuses, but I think we need to move away from just paper promises and everyone in the room says yes acceding to those promises only to fall below what is expected when it comes to compliance. And I would hope that this committee and our President and all of us working in a bipartisan way could continue to do more and take tangible action to stop them.

Mr. LANTOS. Thank you, very much. Congresswoman Meyers.

Mrs. MEYERS. Mr. Chairman, I would like to express my appreciation to you for holding these important hearings. Human rights

abuses against women are finally becoming an issue that registers on the radar screen of the human rights community. I appreciate the activities of Ms. Thomas of Human Rights Watch to form a special project on woman's rights and to encourage the formation of the congressional working group on international women's human rights of which I am a steering committee member along with Congressman Joe Moakley and Senator Patty Murray.

People are finally beginning to realize that there is a systematic abuse of women and are no longer willing to excuse it in the name of culture or religion. We all believe that the concept of human rights is the idea that people have worth as individuals. And hostile actions directed at them due to their membership in some political, social, ethnic or religious group are wrong.

Likewise, mistreatment of people because of their gender must also be denounced by those who respect the rights of individuals. Women are the targets of human rights abuse both for political purposes and for cultural purposes. Women are often targeted as a means of terrorizing their politically active loved ones as well as for their own political activities. Oppressive governments often deliberately target women and children because of their vulnerability.

But just as important are the instances where governments do not move. They simply look the other way and do not move to protect women against brutal crimes because such acts are committed in the names of religion or culture. Women in the Middle East and Africa are subjected to female circumcision. In India, young women are burned to death because their dowries which are supposedly illegal are not large enough to satisfy their in-laws. In Pakistan, women who are raped then can be prosecuted for adultery and sentenced for up to 100 lashes. Female infanticide is common in much of the world.

We in the West must insist that government's responsibility for the protection of human rights go beyond just forbidding state-sponsored terror. The primary responsibility of a government is to protect all citizens from aggression. When human beings started organizing tribes and other primitive governments, one of the primary reasons was for mutual protection. A state that tolerates the murder or mutilation of women for cultural reasons is just as much a violator of human rights as one who jails and tortures political opponents. We must continually express our opposition and revulsion to those practices and attitudes.

I would like to ask, Mr. Chairman, unanimous consent to include in the hearing record at this time an article from the Kansas City Star reporting on gender bias.

Mr. LANTOS. Without objection.¹

Mrs. MEYERS. Thank you, Mr. Chairman.

Mr. LANTOS. As we turn to our witnesses, I want to express my appreciation to Kelly Fawcett, our CIA legisfellow, Beth Poisson, and Jo Weber of our staff for their outstanding work in helping us get this hearing together. They were ably assisted by Mike Ennis of the Republican staff and Frank Ciluffo our intern. I also want to express my very private appreciation to my wife who has made me sensitive to women's issues.

¹The article appears in the appendix.

It is a great pleasure to call on my two great friends, the distinguished co-chairs of the Congressional Caucus on Women's Issues. They are among the most highly recognized, valued and cherished champions of women's rights in this body, and indeed globally, Pat Schroeder and Olympia Snowe.

Congresswoman Schroeder, we are delighted to have you and we look forward to your testimony.

STATEMENT OF HON. PATRICIA SCHROEDER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF COLORADO, AND CO-CHAIR, CONGRESSIONAL CAUCUS FOR WOMEN'S ISSUES

Mrs. SCHROEDER. Well, thank you, Mr. Chairman. I am honored to kick this off, but Congresswomen Snowe has been doing a great job along with you and all members of the committee, and we seriously thank you for putting this front and center, and the members of the committee putting this front and center, because we felt very alone trying to get this front and center on the global stage. So maybe we can finally get some attention.

And let me ask for unanimous consent to put my testimony in the record, and the statements from the ABC News that has been done following female genitalia mutilation into the record, too.

Mr. LANTOS. Without objection.

Mrs. SCHROEDER. I think their hard copy and what they have found is very, very important.

Mr. Chairman, I am just going to quickly summarize because I feel like I am talking to the choir. We know that daily women face humiliation and there has been almost a consensus that if you are born with an extra "x" chromosome, you are also born with a sign that says "kick me" and no one will care. That is to me a total outrage.

It has been painful for me to see our State Department get exercised over religious rights, over political rights, over human rights, but when it comes to women, that is cultural. And I have never seen that distinction as to why culturally you had the right to abuse women but not anybody on the basis of race, religion, political beliefs or anything else. That never made any sense to me and I admit that I am biased and this is because I fall into that category, but I never got it.

Mr. LANTOS. We share your bias.

Mrs. SCHROEDER. But I can't tell you how many times I have been offended in visiting our embassies in foreign countries and bringing this up and having the embassy staff treat me like I had worn a bathing suit to church; it was like, "please don't bring that up." It would be so embarrassing. The Women's Caucus has had a long history with this. The trouble with this white hair is that I remember things.

Mr. LANTOS. Are you speaking of yours or mine?

Mrs. SCHROEDER. Mine, maybe I caught it from you. I am not sure. But I go back to when Sadat appointed the first woman as a public health affairs person in Egypt. She went out and documented how many young women died or had serious infections from genital mutilation in that country and, of course, she ended up in jail. And the Congresswomen worked hard to get her out of

jail but then she left the country. And so women in these countries have not been allowed to discuss this really front and center.

So if we are not putting pressure on, who is going to speak up for them? And I just find it absolutely outrageous that so many countries who we have saved militarily or who we send lots of money to every year, we sit there and put gauze in our mouth when it comes to talking about women's issue.

And we have seen it blow up in our face in Bosnia. Everybody is upset about rape. Well, there has been a lot of us upset about rape for a very long time. And it is interesting how long many groups get upset about torturing someone politically, but you could rape women and they thought that is what happens during a war. It is amazing to me how we ever devised a philosophical thing that would draw that kind of distinction.

But let me say I know you know all of that. I know how important it is to have women in the development process from day one. Again with the gray hair, I remember the Percy amendment in 1973 that said we didn't give aid to countries unless women were brought along. I realize that wasn't until 1982 that they even issued a policy enforcing the Percy amendment. They waited 9 years to get that through.

I know Congresswomen Snowe has worked so hard to make sure that we keep women in the development process. We have to fight that every year because it seems like every director wants to come in and reorganize the office, and women get reorganized right out the door, unless we fight very hard. I know Congresswoman Meyers and you sustain that.

But it really says that, unfortunately, the problem is not just overseas, but at home. We have had a mind-set that, you know, well, it is a shame they do that to women but we just wouldn't want to bring it up. That would be tacky.

And we even saw in the Gulf War when our women soldiers sent over to protect them were treated like second class citizens, and no other part of our society would have tolerated that. I am very tired of it.

I was pleased with the Vienna conference. And I was pleased that Warren Christopher has now said that he really thinks that the United States has a pivotal role in promoting women's human rights. We are glad that we have come in under the human definition and we would like to remain under the human rights definition. And we hope that the actions are where the words are.

I have put in the women's health equity package that Congresswoman Snowe and I introduced for the Caucus, and there are many, many men and women sponsoring it, a bill that says we ought to outlaw female genital mutilation in this country. It is outrageous that it is not outlawed in this country. And I am so tired of the cultural apologists who say if an adult woman comes in and requests genital mutilation, it is better that it be done in the hospital. But what if she came in and requested that her arm be cutoff or her leg be cutoff? Would we say that was cultural? And do we really think that she is a free agent in that culture? Of course not. I hope that we act this year to clean up our act in this country because I am tired of some hospitals saying, better we do it than they do it at home.

No, no, no. It should be outlawed and we should draw a bright line and we ought to practice what we preach or we are standing on weak ground. If we do this, we will have joined other countries that have done this. It is about time. And it is long overdue. I hope we make it very clear that people in that situation are not free agents and we wouldn't tolerate it in any other area.

Often the word "circumcision" is used but there is a big difference between male circumcision and female genital mutilation. In female genital mutilation, they are removing the whole genital and it causes long-term urinary tract infections and reproductive problems, that is if they get through it without infection or bleeding to death. It makes them more susceptible to AIDS. It goes on and on. There is absolutely nothing that comes out of this except control over women and reminding them that they are in a lesser state.

I thank you for focusing on this, and I appreciate very much your allowing us to come forward and talk about this today.

Mr. LANTOS. Thank you, Congresswoman Schroeder for your excellent testimony.

[The prepared statement of Mrs. Schroeder appears in the appendix.]

I am delighted to call on my friend and colleague and neighbor, Congresswoman Olympia Snowe.

**STATEMENT OF HON. OLYMPIA J. SNOWE, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF MAINE, AND CO-CHAIR,
CONGRESSIONAL CAUCUS FOR WOMEN'S ISSUES**

Ms. SNOWE. Thank you, very much, Mr. Chairman. I am pleased to be here. And I am especially pleased because the subcommittee of which I am a member is holding hearings on this very important issue, and I think that Congresswoman Schroeder has illustrated and identified the problem very well. We have been trying to work on this issue for a long time and bring it to the forefront not only in this country but around the world to not only identify the problem but to address it as well.

And I am also pleased to be with my neighbor from New Hampshire, Congressman Swett. We are pleased that he is here with us to testify on this issue.

Let me raise a few points. I think in your opening statement, Mr. Chairman, and Mr. Bereuter and others have raised some of the critical issues surrounding human rights abuses against women, and children for that matter, because clearly they become the primary victims in refugee camps, as we have seen, and it is clearly something that we need to focus on.

We know it is a global problem. Whatever part of the world we can identify, we find that there have been systematic abuses against women and children. We have seen the fact that Bosnian Serbs have raped as many as 20,000 Muslim women. It is an interesting part of the report that the team issued in analyzing this critical problem. It said that rape cannot be seen as incidental to the main purpose of the aggression but as serving a strategic purpose in itself. Many women, and particularly children, may have died during or after rape. It is not just economic and educational inequities, but the women face discrimination in their own country by

their own country's laws as well as their constitutions, and women virtually have no rights in many parts of the world.

In response to some of these issues and to get women and gender-related issues incorporated into our foreign policy, I have introduced two pieces of legislation. One is the Women and Children Refugee Protection Act and the Women's Human Rights Protection Act of 1993, both of which, of course, are included in the State Department authorization bill.

It is clear that the State Department, this has been a systemic problem, has historically not focused on gender-related issues when it comes to foreign policy and does not include women in their development programs. They don't include women in the implementation of their programs and do not require in our bilateral relations focusing on countries including women in their programs and providing those services to women and children in protecting against human rights abuses.

I know that women and children comprise 80 percent of the refugee population. They become the victims whether they are trying to flee the country from the conflict or when they are displaced from their own country. They become human shields that are preyed upon and women are attacked at borders and camps by armed and unarmed guards.

The act would require the U.S. Government refugee programs to address these issues and to include women in the implementation of those services, but, more importantly, provide services such as health and education to the women and children in the refugee camps. It also mandates data collection that enumerates age and gender information as well as training for the program staff of the United Nations' High Commission of Refugees program, and also for the nongovernmental organizations, because heretofore these people who have been part of this program delivering the services have not provided the appropriate training, have not included women in the delivery of these services in refugee camps.

Congresswoman Schroeder and I have requested a GAO study on this issue and GAO said it was absolutely shocking what they discovered in these refugee camps. Even an organization like the United Nations's High Commission of Refugees has not been active in trying to get these services to women and refugees and provide the appropriate training. And the State Department and the Bureau of Refugee Assistance Program did provide \$500,000 for a pilot program in three different countries to provide the kind of training that would be appropriate in the refugee camps to help women and children specifically. So I see it as very critical and something that we can tangentially, I think, support. It is the kind of thing that will help to curb the abuses in refugee camps.

I also have the Women's Human Rights Protection Act and that mandates the State Department to appoint a senior level position within the Bureau of Human Rights and specifies the responsibility for this women's human rights advocate. I think if we don't have someone in the department whose primary responsibility is in this area, then it is clearly not going to happen, as we have seen in the past. Even with the reports they have to provide to the Congress, sometimes I think they are very deficient in analyzing the problem and overlooking other problems.

It also would require the United States to bring pressure to bear on other governments, in their failure to curb these abuses in violence against women and would require the U.S. Trade Representative to conduct inquiries and take steps to prevent countries from receiving trade benefits if they are not addressing human rights abuses against women.

Finally, the legislation calls for the ratification of the convention on the elimination of all forms of discrimination. That has always been an ongoing problem since 1979. We are the only industrialized country that has not been a signatory to that. And the legislation also calls for the administration to set a timetable for submission to the U.S. Senate.

And one final point, because this convention treaty does not identify violence against women, there is also a draft resolution which the United States cosponsored with Canada that was adopted in March by the United Nations Commission on the Status of Women in its parent body, the United Nations' Economic and Social Council in July of this year, and it is expected, and we support this, that Canada will bring this resolution before the General Assembly this November. But this declaration recommends criminal penalties and civil remedies and also provides services to assure the safety and security of victims of family violence. It also, I think importantly provides services for families where incest or sexual abuse has occurred.

Finally, in conclusion, it was interesting to note an article not too long ago in the *Washington Post* about a conversation that took place between a Somali, Rakeo Omar and Robert Oakley. When Rakeo Omar complained that the United Nations had not provided funding and transportation services for women's groups to attend a January meeting of the Somali reconciliation talks, he conceded that women should have been invited and had a larger role to play. I think it is a further indication of the problem that we face if we don't put women's issues at the forefront in the United Nations.

And, again, I want to express my appreciation to you, Mr. Chairman, and members of the committee, for helping to alleviate, I think, some of the most heinous crimes that I think we have seen against women and children.

Mr. LANTOS. Thank you very much for your excellent testimony. [The prepared statement of Ms. Snowe appears in the appendix.]

Let me just say before turning to my colleague from New Hampshire, that Ambassador Madeleine Albright in the very short time she has served as our Representative to the United Nations, has emerged as a role model for all women, both in this country and abroad in terms of the breadth of her knowledge and analytical capability and the dignity with which she has represented our interests and, I think, the interests of the civilized world. I am most grateful to her.

The distinguished co-chairs of the Congressional Caucus for Women's Issues are not alone because there are a number of the other sex who are very supportive of your activities. I am very pleased to welcome to this hearing my good friend and colleague from New Hampshire, Congressman Swett.

**STATEMENT OF HON. DICK SWETT, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF NEW HAMPSHIRE**

Mr. SWETT. Thank you, Mr. Chairman. I am, indeed, grateful for your indulgence in permitting me to testify on the critical question of human rights abuses against women. I know that many of our colleagues would like to speak out here today on this critical issue because they feel as strongly as you and I and other Members in this room and of this Congress feel about it. But you and I share something a little bit more in common than just the concern for this issue, and I greatly appreciate your agreeing to my having a few minutes to appear before the subcommittee today. And obviously, Mr. Chairman, you are like a father-in-law to me, and there is our bond.

Let me commend you, Mr. Chairman, for holding the series of hearings that begins today and will focus attention on the serious question of human rights abuses against women and will answer what the United States is now doing and what our Government should be doing to alleviate the suffering, tragedy, and abuse that women encounter around the world.

Let me also commend our colleagues, Congresswoman Pat Schroeder and my neighbor both here in Washington and in Maine, Congresswoman Olympia Snowe. I want them both to know how much we appreciate their leadership in the Congressional Caucus for Women's Issues and applaud the important work that they are doing. I also want them and this panel to know, Mr. Chairman, that women's issues are not just of interest to women, as you stated yourself. We men care too!

We feel intensely about these issues and it will require all of us working together to eradicate the human rights abuses and gender-based discrimination that women face around the globe.

Mr. Chairman, the 1993 United Nations Development Report summed up the seriousness of this problem that we face, and I quote, "Full political, economic and social equality for women is still a distant prospect even in Western countries. Women worldwide have far less access to the tools for development—from access to credit to education and health care—necessary to break the cycles of violence and discrimination that perpetuate their second class status. No country treats its women as well as it treats its men, a disappointing result after so many years of debate on gender equality, so many struggles by women and so many changes in national laws."

Mr. Chairman, women represent over 50 percent of the world's adult population, but they face significant barriers to the full enjoyment of equality.

In the political sphere, women constitute only 10 percent of the representatives in the world's parliamentary bodies and hold less than 4 percent of cabinet-level positions.

Economically, women face severe handicaps. The United Nations International Fund for Agricultural Development reports that the number of rural women living in absolute poverty around the globe rose by 50 percent over the last two decades, while the figure for men was only 30 percent for that same period. In urbanized societies like our own, women face serious discrimination in the workplace: sexual harassment, unfair dismissals, demotions, wage rates

that are substantially below the rates for men performing the same comparable work.

Social and cultural traditions are the basis of brutal abuses of women, as was mentioned previously. Widow-burning and wife-burning in India, kidnapping of brides in the country of Georgia, female infanticide in China, these are only the most egregious examples of the suffering women face solely on the basis of their gender.

Recently in Bosnia we have seen the systematic use of rape to brutalize, humiliate, and suppress women as a part of the vicious policy of ethnic cleansing.

Mr. Chairman, a misguided and patently false belief in the inferior status of women has been a driving force behind the systemic abuse of women. It is essential that our Government act to correct these abuses and that the United States take the lead in the United Nations and other international forums to correct these serious gender-based human rights abuses against women.

It is also essential, Mr. Chairman, that we in the United States take action to resolve the problems that we face here at home as well. I know, Mr. Chairman, that this aspect of the problem of abuses against women does not fall within your subcommittee's jurisdiction, but we cannot be effective internationally unless our house is in order at home. I think this is a point that Congresswomen Schroeder made very eloquently. It is essential that women in the United States enjoy economic equality, equal pay for equal work, that they have opportunities to achieve leading positions of economic and political influence, that we develop effective programs that will end the feminization of poverty, and that we assure adequate health care and medical treatment for the unique needs of women.

I am well aware of these problems from a personal standpoint. I watched the example of my mother who, as a social worker, has had to deal with the effects of these problems of discrimination and abuse. As a Congressman, I have been compiling data in my home State of New Hampshire with regard to women's health and economic issues to illustrate their plight and in hopes of changing their lives for the better.

I also want to express my pleasure and appreciation in working with Congresswomen Schroeder and Snowe in the effort to eliminate discrimination against women employed here in the legislative branch by applying to the Congress the same antidiscrimination laws that Congress has enacted to apply throughout our Nation.

Mr. Chairman, I am grateful for the opportunity to testify before this subcommittee. I endorse your effort to deal with these most serious problems, and I pledge my support for this endeavor. Thank you.

Mr. LANTOS. Thank you, Congressman Swett, for your excellent testimony.

We will begin the questioning with Congresswoman Meyers.

Mrs. MEYERS. I don't think I have questions at this time, Mr. Chairman.

Mr. LANTOS. Congressman Smith.

Mr. SMITH. I thank the panel for their excellent testimony. It gets this series of hearings off to an excellent start. I hope that we

will have adequate follow-up by the administration so that women's issues will be front and center and we will be in the forefront of fighting those abuses.

IDENTIFYING KEY WOMEN'S RIGHTS ISSUES FOR U.S. ACTION

Mr. LANTOS. Before we break for the vote, I do have a question for the two of you, if I may. We have all listed a tremendous range of outrages, abuses, patterns of discrimination, inequities, and injustices. We can't fight all of them all at once. If you had the opportunity to pick the top two or three priorities that you would want us to focus on, what would those be, Congressman Schroeder?

Mrs. SCHROEDER. First of all, I think making sure that in our Government programs women are brought along, because if they develop equally with men in their countries they are going to have a lot more gravitas to be able to fight this internally. And, let's face it, we can't sit here in the United States and make it all right.

I am optimistic that our administration will make this a front and center part of our entire human rights plan and couple it with the development and that, I think, brings it along. But as Congressman Swett pointed out too, we have to clean up our act at home. We can't go around preaching if we are not practicing. I don't think you can prioritize. I don't think one is worse than the other, but you put it in under the human rights umbrella and you keep it there and you don't leave it off as the forgotten stepchild.

Mr. LANTOS. Congresswoman Snowe.

Ms. SNOWE. It is difficult to identify one approach or one issue that, you know, we could focus on that could address this most serious problem. But I guess certainly from not only a symbolic standpoint but also from a substantive standpoint, if we could ratify the convention—that treaty has been languishing in the U.S. Senate here for 12 years or so. That certainly would send a very strong message to the other signatories, of which there are at least 119. It is my understanding that the United States takes this issue seriously. It is hard to have credibility on this issue when we have not signed and we have not ratified this treaty. So I think that would be a bold step forward.

Mr. LANTOS. Well, let me thank all three of you for the valuable and eloquent testimonies. This hearing will be in recess for about 5 minutes.

[Whereupon a brief recess was taken.]

Mr. LANTOS. The subcommittee will resume.

We want to welcome the second panel, Dorothy Thomas, Director of Women's Rights Project at Human Rights Watch; Dr. Nahid Toubia, Associate for Women's Reproductive Health, Population Council; and Donna Sullivan, Director of Women in the Law Group, International Human Rights Law Group.

We are delighted to have all three of you. Before I begin, I failed to express my appreciation to Ms. Alex Arriaga for her invaluable help in getting this hearing together. I also would like to express my apology to everyone in advance because we will be in a series of fairly frequent votes, so we will need to interrupt the proceedings, but you will have all the time that you need to express your views. We will begin with you, Mrs. Thomas.

**STATEMENTS OF DOROTHY Q. THOMAS, DIRECTOR OF
WOMEN'S RIGHTS PROJECT, HUMAN RIGHTS WATCH**

Ms. THOMAS. Thank you very much, Mr. Chairman.

Before I begin my remarks today, I want to extend my thanks to the subcommittee for holding these hearings. This committee has played a role unlike any other in the U.S. Congress in putting women's human rights issues before the foreign policy community and I am grateful to have the opportunity to appear before you today.

Mr. LANTOS. Thank you.

Ms. THOMAS. It is a great honor to sit, even if briefly, in the same chairs as Congresswomen Snowe and Schroeder as they have played a crucial leadership role in this area. With your consent, I would like to submit the bulk of my testimony for the record.

Mr. LANTOS. Without objection, the entire statement will be in the record.

AN UPSURGE IN VIOLENCE AGAINST WOMEN WORLDWIDE

Ms. THOMAS. I am going to confine my remarks to talking about violence against women. My testimony covers in considerable detail what amounts to an epidemic of violence against women in every country in the world. From rape in war, to rape in custody, to violations of women's human rights that occur in the home or that are targeted against women for political reasons, for tactical reasons, or in some way to control their reproductive health or their sexuality.

RAPE IS A TOOL OF WAR

I am going to focus on a few examples from my testimony derived from the work of Human Rights Watch and the work of my colleagues in the international community elsewhere and the women's rights community and, in particular, from Amnesty International, which has done unparalleled work in the area of violence against women in custody.

I think that it goes without saying in this room and in this Congress that the situation in Bosnia has drawn international attention to the issue of rape and war. Human Rights Watch and the Women's Rights Project, in particular, have worked a great deal to document the widespread and systematic use of rape in the conflict there by all parties, and most egregiously by the Serbs. But I think if I had to put something before the committee today, it would be that it is not only Bosnia. It is something that we know, but have not paid attention to, that rape is common in other wars and is going on, maybe not as systematically, but certainly as routinely in those wars as it is in Bosnia.

In the last 3 years, Human Rights Watch and our colleagues at Amnesty and elsewhere have documented the use of rape in war in countries everywhere from Peru to Somalia to Liberia to India to Burma. In this last country, the United Nations recently concluded that women were being raped immediately in front of their family members before being taken away and held for long periods of time in neighboring military camps, and that many women were dying as a result of repeated and continual rape.

But even women who flee such rape and widespread sexual abuse in war are not safe. Next week Human Rights Watch with its Africa Watch and Women's Rights Project divisions are going to release a report documenting the rape of Somali women refugees fleeing into Kenya.

In the last 7 months, 192 women have been subjected to rape fleeing from Somalia into Kenya. For 85 of those women, rape was an abuse that provoked them to flee in the first place, that caused them to become refugees. But once refugees, they are being subjected in increasing and very large numbers to rape in the camps themselves.

Most of the women that are raped in the camps in Kenya are being subjected also to battery, to robbery, to being knifed, and in some cases to being shot. For those women who have been subjected to female genital mutilation or to circumcision, and many of them have, their vaginas have often been torn or cut open by their attackers. Many of the women suffer ongoing medical problems, as you might imagine.

VIOLENCE IN THE HOME

But women can't even find refuge in their homes or in the custody of their own police. According to the World Bank, the most pervasive form of violence against women is by their male partners in countries as diverse as Brazil, Israel, Canada, Papua New Guinea. Over half of all women killed are murdered by their current or former partners. The American Medical Association reports that women in the United States are more likely to be assaulted and injured, raped or killed, by a current or former partner than by all other assailants combined. Often such intimate acts of violence, as you have said yourself, Mr. Chairman, and as many members of the committee have mentioned today, go unpunished.

And as Amnesty and others have so clearly shown, even when such sexual assault is committed directly by agents of the state, they are routinely tolerated by governments and worse still, by the international community.

Why? Why is this happening? In large measure, we find in our work in the field that violence against women is used to promote tactical objectives in the course of conflict or political objectives, to force women to confess or testify against a family member, to punish communities that are perceived to be unsympathetic to opposing sides in a conflict, and always to humiliate and to degrade.

LIFE THREATENING SEX DISCRIMINATION

And all too often we find that certain abuses are targeted against women in ways and almost expressly for the purpose of controlling their reproductive function or their sexuality.

We have, all of us today and over the years, heard reports of forced abortion and sterilization and more recently of forced impregnation as has been alleged in the former Yugoslavia, where women are repeatedly threatened by their attackers with being raped for the purposes of impregnating them. We have heard of female infanticide and violence against young girls. UNICEF estimates that in Asia alone, 77 million females are missing as a result of such abuse, as you mentioned.

And we know about trafficking of women and girls for the purposes of prostitution or sometimes selling them into servile forms of marriage.

Next month Human Rights Watch will release a report on virginity control in Turkey documenting the Turkish Government's use or threat of forced gynecological examinations in order to enforce women's virginity. Last year, two girls who were subjected to this examination subsequently committed suicide.

WOMEN'S RIGHTS MUST BE CENTRAL TO U.S. FOREIGN POLICY

I am afraid, and more afraid after listening to the remarks that were made by your colleagues and you yourself today, that you will say that I am saying something that you have heard before. And you are right. I think that the question before us today is not is this happening? We know it is happening. The question is, what are we going to do about it? The U.S. Government, as I am sure you are well aware, and as I think Assistant Secretary Shattuck will no doubt detail tomorrow, has strongly supported women's rights, particularly in international fora, and has included women's rights abuse in its annual country reports on human rights practices. But despite these very noteworthy and important contributions, women's rights are still not an integral part of U.S. foreign policy and when we raise human rights concerns with the governments, as we traditionally and routinely do, we do not raise abuses of woman's human rights in the course of that conversation. That includes in the conversations relating to our—to the program's advanced by the Agency of International Development.

I want to close my remarks today by putting forward a couple of specific recommendations about how I think the U.S. Government could really begin to address these problems, and it is my hope that we will discuss them together at the close of my colleagues' testimony.

It is my sense having worked on these issues for 3 years, documenting women's human rights violations over the world within a human rights organization that works hard making those issues foreign policy concerns, that women's human rights are treated in an ad hoc manner by the U.S. Government largely in response to special reports or conferences.

We strongly urge the administration and the Congress to explicitly and routinely consider women's human rights in the ongoing formulation and implementation of U.S. foreign policy. To aid this effort I am going to put forth the following specific recommendations: We strongly support the legislation introduced by Representatives Snowe and Berman, and echoed in the Senate by Senator Simon, to appoint a senior official for women's human rights to the State Department. The importance of a senior official working full time to ensure that women's human rights are fully integrated into U.S. foreign policy is evident considering that women's rights are affected by U.S. foreign policy across the board from humanitarian intervention to arms sales to trade.

It is our experience that without such an advocate it will be impossible to ensure that the integration that has been mentioned here today, and the accountability for human rights abuse that comes with it, will occur. It is not simply that you just need a per-

son. It is that you need a person with some authority and with some expertise to really ensure that these issues will be treated in a dignified and thoroughgoing manner and at a very high level.

At present, the bureau has a staff person whose portfolio includes women, but among many other issues. Given the epidemic levels of violence against women worldwide and the need for U.S. leadership in promoting and protecting women's human rights, a part time position just isn't enough. A senior level appointment, preferably at the level of a deputy assistant secretary, is required—required in our view—to ensure that women's human rights receive prompt, thorough, and effective attention from the foreign policy establishment.

One thing that I think this senior official could do, or help the U.S. Government do, is to ensure that in the application of our human rights law, with which you yourself are very familiar, we don't just leave out the women's rights issues. You know that human rights law requires us to suspend security assistance to countries that engage in a pattern of gross abuse of human rights. There are circumstances, as Bosnia illustrates, in which abuses of women's rights would fall into that category and where they should be taken into account. But there are also many circumstances where abuses are severe, but do not rise to the level set forth in the 502(b) law, and in the other areas of U.S. human rights law.

It is our view that in these circumstances, and these are crucial circumstances in this day and age, that the United States should apply its leverage in other ways. For example, this week the U.S. Government is going to give \$3.5 million in military assistance to the Kenyan Government for securing that very border area I was discussing where the refugees are coming across. It is absolutely imperative that part of this assistance be directed to protecting these women refugees. It is not clear that it will be and I hope that we will be able to urge the United States to ensure that it is.

THE LINK BETWEEN DEMOCRACY AND HUMAN RIGHTS

I think that there is an emerging area in human rights work, and we are certainly increasingly aware the world over, that there is an integral connection between democracy and human rights. The Human Rights Bureau will include in its portfolio responsibility for democracy. And it is very much my sense that as with human rights generally in the area of democracy, the issue of women's participation and the need to root democratic programs in women's equal participation and the eradication of anything that inhibits their ability to exercise their rights has not been a kind of routine understanding of what we mean by democracy. And I think if we promote women's human rights, it has to be a fundamental element in our promotion of democracy.

In this sense, we recommend that all U.S.-supported democracy and administration of justice programs, included but not limited to programs implemented by AID, by Justice and the human rights components of the IMET programs, actively seek to advance women's human rights.

Ms. THOMAS. In an ideal world, in my view, the Human Rights Bureau would be in a position to assess all foreign aid programs along the lines of the Percy amendment for their respect and ad-

herence to the principle of promoting and protecting women's fundamental human rights.

When reviewing the records of countries, such as IMET and proposed IMET beneficiaries, the Human Rights Bureau should thoroughly consider their record on women's human rights, and oppose IMET and expanded IMET to any government that consistently sponsors or tolerates violence against women. Similar concerns would be beneficial if they related to the programs relating to the administration of justice.

I will close with a final two recommendations. I think the article on the front page of the *New York Times* yesterday assessing the question of gender-based persecution prompting women to seek asylum is an issue before the Congress.

Mr. LANTOS. Without objection, that article will be placed in the record.²

Ms. THOMAS. One of the issues it raises and puts before us, although it is not entirely within the purview of this committee, but I think it is important for the information to be put by this committee to the immigration services, is the kind of sex-based persecution that women suffer.

At present, our law does not recognize, our asylum law does not recognize sex-based persecution as a grounds for asylum, nor do we have any procedures for dealing with women who come forward with these kinds of claims. Based upon the testimony that I have put before you today and that you yourself have made, it is clear we need to address this oversight. It is essentially a de facto matter now that women are just put out the door of the United States if they claim persecution based on sex.

U.S. RATIFICATION OF KEY INTERNATIONAL CONVENTIONS CRITICAL

Finally, I would conclude my remarks by reiterating the remarks of my colleagues and of many Members on the panel earlier. None of what we do abroad will be strong enough if it isn't coupled by our commitment to be held to the same standards ourselves as we hold others to. It is in that respect that I strongly urge the U.S. Government to ratify the Convention on the Elimination of All Forms of Discrimination Against Women, and not only that: to work to remove obstacles within its ratification of the International Covenant on Civil and Political Rights which might prevent us from really implementing the provisions on nondiscrimination that are included in that covenant.

With that said, I look forward to having an ongoing, substantive conversation with the committee.

I thank you again for having me before you today.

[The prepared statement of Ms. Thomas appears in the appendix.]

Mr. LANTOS. Thank you, Ms. Thomas, for outstanding and comprehensive testimony. I should have mentioned at the outset that you are the author of many important works in this field, including "Criminal Injustice: Violence against Women in Brazil," "Double Jeopardy: Police Abuse of Women in Pakistan," and "Domestic Vio-

² The article appears in the appendix.

lence as a Human Rights Issue." We are very grateful for your testimony.

I am pleased now to turn to Dr. Nahid Toubia. She was born in Khartoum and attended medical school in Egypt. In 1981 she became a fellow of the Royal College of Surgeons of England and the first woman surgeon in the Sudan. She is currently an Associate for Women's Reproductive Health at the Population Council in New York City, and has been a women's health activist with great distinction and great effectiveness.

We are very pleased to have you, Dr. Toubia. Your testimony will be entered into the record in its entirety. You may proceed any way you choose.

STATEMENT OF NAHID TOUBIA, M.D., ASSOCIATE FOR WOMEN'S REPRODUCTIVE HEALTH, POPULATION COUNCIL

Dr. TOUBIA. Thank you very much, Mr. Chairman.

FEMALE GENITAL MUTILATION

I want to thank the committee for inviting me because I think it is very important that women from all over the world who have issues on women's gender discrimination and violence should come and be heard in person.

I want to say before I start that it is very difficult testimony to make for a personal reason, for a human reason, and also for sometimes political reasons. It is emotionally difficult to testify on the issue of mutilation because it has always been an emotional situation.

We, as African women, are often silenced twice on this issue: Once in our countries, since most of us are not able to speak up for our rights for fear of social or political persecution; and second, when we come out to speak to the world we are harassed by sensationalist media and the attack of Western societies on our people and cultures.

On top of that, on a political level, on the one hand I feel very grateful to be under this roof speaking about this issue, but many of my people would feel that they are still very hurt by the U.S. foreign policy toward them as people that has not always in the past stood by human rights, their human rights, their civil rights as people.

The reason I decided after all to come under this roof and make this testimony is that I believe very sincerely that this is not just a new administration, but the beginning of a new era with a United States that will be part of the world society that fights for the true democracy and true justice that is not only guided by narrow economic gains.

I stand here today to testify on behalf of many girls and women who had no choice when parts of their bodies were removed in the name of culture and social conformity. I testify for all the women and all the cultures, east and west, who undergo the physical pain and psychological agony of bodily manipulations to conform to the prevailing forms of acceptable womanhood, the social prescriptions of femininity that keep women bound to maintain control over their lives, reproduction, and sexuality. In my society, that means cutting essential parts of genitals of girls and women. In America, as

I have witnessed living here in the last 3½ years, it takes the form of the beauty cut which drives teenage girls and women to mutilate their bodies with plastic surgery, breast implants, bulimia and such procedures.

Women are never allowed to feel holistic, the way they are created. They have to be reshaped by society to please men. Because as women, we are made economically and socially powerless. Most of us have little chance to say no to stop the injustice imposed on us by society.

Most African women have very little power to say no, because as women their only means of survival is to marry, give their husbands sexual pleasure and give birth to many children while suffering in silence.

Today in Africa many of us have found our voice and are speaking out against the custom that abuses and humiliates. We are often silenced in the name of preserving culture and tradition. We will no longer be intimidated by disrespect to our culture. Our cultures are already changing, very rapidly, and not always in positive ways.

We do love our cultures and much of what we have inherited is positive, and we would like to share that positive aspect with the world. But we also must be honest and admit what is wrong.

Today our traditional ways are being undermined by materialism and greed which are fundamentally against our inherited values. Such destructive values are rapidly embraced, usually by the same men who object to stopping the genital mutilation of women in the name of preserving culture.

Let me ask you all in this room and ask my people back home, why is it that only when women want to bring about change for their own benefit does culture and custom become sacred and unchangeable? As women, we too have the right to decide what parts of our culture we want to preserve and what parts we want to abandon.

Today, through my testimony, I would like the world and the people here in this room and the United States to listen to the voices of many brave African women who are doing great work in their own communities but are rarely heard when the issue of female genital mutilation is discussed internationally. It is always seen that outsiders are going to come and save African woman, and very little credence is given to the actual work, very brave work that African women are doing, sometimes at risk to their own lives and health.

VICTIMS SPEAK OUT

I will start by reading this small paragraph from Dr. Asma El Dareer. She says, "I was circumcised in 1960 at the age of 11. I remember every detail of the operation, and the worst part was when the wound became infected. When I was 18, it was the turn of my younger sister. I was totally against her circumcision. My father wanted the milder type, the clitoridectomy, but my mother insisted on the severer type, the infibulation. Eventually my sister had the intermediate type, virtually the same as infibulation. The suffering of my sister made me hate circumcision even more than my own earlier experience."

As I said, that was Dr. Asma El Dareer who conducted the last national survey on female circumcision in the Sudan.

Listen to Assitan Dialo. She says, "Now, what is the justification of female circumcision? They think it diminishes sexual desire so that means you will be faithful. They also say female circumcision purifies women; that means our sex genitalia is dirty to them. Female circumcision is necessary to support their views of women's sexuality."

To justify this gross social injustice we have been told for years that this is part of being a good woman and it is a sacred requirement of religion. We now know that it is not sacred and it has nothing to do with any religion. Neither Islam, Christianity or Judaism mention female circumcision in their text, although followers of all three religions and other religions practice it.

Another voice from Africa, from Somalia this time—this is Raqiya Haji Abdalla, from the Women's Democratic Organization of Somalia. "Women are victims of outdated customs, attitudes and male prejudice. This results in negative attitudes of women about themselves. There are many forms of sexual oppression, but this particular one is based on the manipulation of women's sexuality in order to ensure male domination. The origins of such practices may be found in the family, society and religion."

A colleague who is a human rights lawyer and Islamic scholar, Asma Abdel Haleem, who actually lives in Washington because she is almost a refugee from her own country because of the poor record of human rights of the Sudan Government, she says—she calls for a feminist reinterpretation of religion. She says, "With regard to female circumcision it is important there be a final religious announcement clearly stating it is a form of mutilation and therefore forbidden. It is not sufficient for religion to shun the practice. Religion should be used as a tool for condemning and preventing its appearance. And the participation of women in the interpretation of religion would be crucial."

Female genital mutilation, ladies and gentlemen, is not a private issue or concern of one nation. It affects around 100 million women who live in 26 African countries, a few minorities in some Asian countries and immigrants in Europe, Canada, Australia and the United States. Every year around 2 million girls are at risk of being subjected to this cruel, unnecessary tradition. Their health is at risk and their life afterwards will never be the same.

There has been some objection to attempts to stop female mutilation, maybe not by people in this room, but there is strong objection, both in Africa and outside Africa. But I say for those who say that female genital mutilation is only a problem for elite women like myself, I invite them all to come and sit with me in the outpatient OB/GYN clinics of Khartoum hospital where I practiced for many years. Thousands of women pass through these clinics. If you listen to them, you will hear complaints about all parts of their body.

All these complaints are metaphorically linked to their pelvic area, which really means their genitals, since they are socially too shy to speak of their genitals. They complain of symptoms of anxiety, depression, loss of sleep, backache and many other complaints, said in sad, monotonous voices, because they feel despair. When I

probe them a little, the flood of their pain and anxiety over their genitals, their sexual lives, their fertility and all the other physical and psychological complication of their circumcision is unbeneficial.

Mr. LANTOS. If I might ask you to suspend for a few minutes, because I have got to cast a vote. The committee will be in recess.

[Recess.]

Mr. LANTOS. The subcommittee will resume.

Dr. Toubia, if you will be kind enough to continue.

Dr. TOUBIA. Thank you, Mr. Chairman.

FEMALE GENITAL MUTILATION IS A HUMAN RIGHTS VIOLATION

I just want to emphasize again that myself and many African men and women believe that the issue of female genital mutilation is a human rights issue. It concerns the rights of girl children specifically, but it also concerns the rights of women because although the procedure happens to children, it happens to them against their will, or even if they consent, we don't accept the consent of children below the age of 18 or 21, depending on the country we are talking about.

So I uphold that female genital mutilation is a violation of the universal declaration of human rights, the convention to eliminate all discrimination against women, the convention of the rights of the child, the African charter on human and people's rights and the African charter on the rights and welfare of the child.

We all know that the World Health Organization and other U.N. bodies have declared female genital mutilation as a health hazard. And also many governments in Africa have already made statements and reported to the U.N. to the effect that they believe and accept that this is a harmful practice. But I think what needs to be done next is to act on these declarations. And I think that is the next stage.

I have specific recommendations here, but before I even start talking about them, I want everybody to really stop and say what can we do in the next 5 years, or 10 years or whatever. And my first recommendation is, how can we desensationalize this issue and mainstream it as a serious women's rights issue, because I think that has been a bigger obstacle than any denial from governments or communities in Africa.

As long as it is going to be sensationalized in the West, the effectiveness of any programs, whether they are human rights programs, whether they are health programs is going to be diminished considerably unless this issue is taken with respect and understanding.

EDUCATION AND LEGAL ACTION NEEDED TO HALT THE PRACTICE

My recommendation is that female genital mutilation, but not alone, with other cultural practices that interfere with women's bodies and personal integrity, must be stated as a violation of human rights in the relevant conventions and all concerned governments must be persuaded to ratify the specific statements in the conventions.

Another one is to urge professional organizations in any country, both in the United States and outside, in African countries that should pronounce this practice as unethical for any of their mem-

bers to undertake circumcising a girl under age of consent. They also must help train their members on how to provide safe, supportive and respectful health services for women who have already been circumcised.

I came late earlier but I caught a little bit of what Congresswoman Schroeder was talking about, and I think she mentioned the impending law in the United States. Although I support that law, I worry that passing a law on its own without putting on the ground some programs to actually give services and to help the women who have already suffered this and to actually work with the communities might actually cause a lot of damage to women who have already been damaged once and could be damaged by a law that tries to persecute and doesn't try to help. I am not against the law. I am just hoping the law will have other measures to go with it.

On the international level, I am hoping that international health and development agencies as well as national governments commit funds for programs to educate and counsel people against female genital mutilation and support community action and the leadership of women. I think these two words are very important, that is, community action and leadership of women. It doesn't exclude others but it has to be under the leadership of women.

And the fourth recommendation would be that at the appropriate time and in consultation with women's groups and national human rights legal bodies, laws should be passed to prohibit the practice. So I would stress that laws are needed, but they have to be designed and formulated in consultation with women's groups and also with national human rights organizations.

I also want to stress that female genital mutilation is not an isolated practice. It is not isolated from the whole situation of women in terms of the political rights, civil rights, economic rights. And I think the committee here said a lot about that, and I am not going to reiterate it again. But if we are going to do something about genital mutilation, we can't do it as a vertical program only as we do a vaccination program; we need to do it within the context of alleviating gender inequality.

With regards to the U.S. Government, I believe that the U.S. Government needs to address this issue for women who are American citizens, women who have already suffered this practice or girls who can potentially suffer it as their own citizens, but they also need to address it in their substantial development aid that goes to some of these countries. Because I have another concern, which is, as much as I believe that this is a human rights issue, I am a little bit skeptical if it is dealt with only as a human rights issue, which means we deal with it with the instruments of human rights, which is reporting about governments, pointing at governments who are not doing enough.

I am not a legal person so I don't know the terminology of how these things are done. But it is not a matter of accusations only. We need investment in this issue.

WELL-FUNDED HEALTH PROGRAMS ALSO CRITICAL

An investment means putting money within health programs, within education programs, integrated within existing health pro-

grams. I have already testified or spoken with the U.S. Agency for International Development regarding development programs on this issue, but it is all interest and talk up to now. There are no real resources put through the U.S. Agency for International Development to develop programs, effective programs to deal with this issue.

And that would be my strongest recommendation, that earmarked resources, allocation of earmarked resources to fund activities against this practice mostly to integrate it with existing women's and development programs that are already being funded. Thank you.

[The prepared statement of Dr. Toubia appears in the appendix.]

Mr. LANTOS. Thank you very much, Dr. Toubia, for an extremely difficult but extremely important testimony.

Our final panelist is Ms. Donna Sullivan, who is Director of the Women in the Law Project of the International Human Rights Law Group. The law group is the Washington-based public interest law center which provides education and training for grassroots advocates and lawyers to empower them to advance human rights at both the national and region levels.

We are delighted to have you, Ms. Sullivan. Your prepared statement will be placed in the record in its entirety. You may proceed any way you choose.

STATEMENT OF DONNA J. SULLIVAN, DIRECTOR OF WOMEN IN THE LAW GROUP, INTERNATIONAL HUMAN RIGHTS LAW GROUP

Ms. SULLIVAN. Thank you, Mr. Chairman. I am especially grateful to have the opportunity to speak to you today about about gender discrimination, because we have reached a critically important juncture in the effort to secure recognition of women's rights as human rights.

GENDER-BASED DISCRIMINATION ON A GLOBAL SCALE

The results of the World Conference on Human Rights are tangible evidence that women have at last won a place on the human rights agenda for gender discrimination and for violence against women. The task now is to strengthen government accountability for violations of women's human rights and, perhaps most importantly, to empower women to effect the necessary legal and social changes.

We look to the United States to exercise moral and political leadership in responding to this challenge and to make human rights a reality for women. My comments today are based on the Law Group's experience working with domestic women's rights activists and with my colleagues in international organizations, on our efforts within the United Nations to make international standards and procedures more effective tools for protecting women's rights, and on our partnerships with domestic advocates who are working to build the rule of law in such countries as Ethiopia, Guatemala, Cambodia and Romania.

In all regions of the world, as previous speakers have noted, women continue to endure gender discrimination in the name of religious and cultural tradition, in the name of economic necessity,

and in the name of the sanctity of the family. If women are to participate as full partners in building democratic and peaceful civil societies, we must support their efforts to dismantle the structural inequalities that sustain gender discrimination and gender-based violence.

STRONG U.S. LEADERSHIP LACKING

Unfortunately, the United States has yet to assert clear leadership in promoting gender equality internationally, even when faced with egregious discrimination in such rights as political participation. For example, following the national elections in Kuwait, then Acting Secretary of State Eagleburger stated that, while the administration was disappointed that women were denied suffrage, the Kuwaitis, "do come from a different culture and their views are substantially different from ours."

We simply cannot reconcile this view that women's rights should be culturally determined with the principle that human rights are universal, a principle that the United States promoted aggressively at the World Conference in Vienna. Universal human rights standards should be the basis of U.S. policy on women's human rights.

We therefore welcome the recent announcement by Secretary of State Christopher that the administration will take steps to obtain ratification of key human rights treaties, including the Convention on the Elimination of All Forms of Discrimination Against Women.

Ratification of the Women's Convention is long overdue. There are now 126 states parties to the Convention, and if the United States is to exercise moral and political authority on women's human rights in the global community, we must be willing to be held accountable for women's rights here at home.

Let me add that we see ratification of the Convention on the Elimination of all Forms of Racial Discrimination and the Covenant on Economic, social and cultural rights as part and parcel of promoting women's human rights. Women are affected not only by gender discrimination, but also by discrimination based on race and ethnicity, and by the denial of core economic, social and cultural rights.

DENIAL OF WOMEN'S POLITICAL AND LEGAL RIGHTS

The need to transform international guarantees of gender equality into reality could not be more acute. Even in countries whose human rights records have been generally praised, discriminatory laws remain on the books. In Botswana, for example, the Government continues to ignore the decision of its highest court invalidating citizenship legislation that discriminates on the basis of gender. In July 1992, Unity Dow successfully challenged the law under which Botswana women who are married to foreign men cannot transmit citizenship to their children, but the children of Botswana men married to foreign women automatically become citizens. The Attorney General of Botswana argued that the national Constitution permits gender discrimination, since "the whole fabric of customary law in Botswana is based on a patrilineal society."

The court of appeals ruled in Unity Dow's favor, determining that the citizenship act was unconstitutional because it discriminated on the basis of gender, but a key government ministry re-

sponded by proposing a referendum to decide the legal status of women. Today, Unity Dow still finds her children without Botswana passports.

In many countries, de jure discrimination with regard to such rights as nationality is but one thread in a fabric of laws that deny women equal rights in public life and within the family. In Egypt, for example, women face legal restrictions not only on their ability to confer citizenship on their children but also on their rights to inherit property, their freedom of movement and their rights within marriage.

De facto discrimination cuts still more deeply into women's lives. Gender discrimination does indeed kill, as we see in the case of son preference that leads to inferior nutrition and inadequate health care for girl children, and in the escalating HIV-AIDS infection and mortality rates for women.

ECONOMIC DISCRIMINATION AGAINST WOMEN

Women suffer discrimination within the paid labor force and within the informal and nonmonetized sectors of national economies. As has been noted, even in industrialized countries, significant wage differentials exist. In Japan, for example, the average monthly wage for women is approximately 60 percent of the male wage, and in manufacturing sectors it is approximately 40 percent that of the male wage.

Women in the unregulated, informal sector are particularly vulnerable to exploitation. In the South, women's ability to exercise their human rights has been further undercut by macroeconomic policies. In particular, women in Latin America and Africa have borne the brunt of debt reduction and structural adjustment policies.

Let me conclude by highlighting several general recommendations that should guide the integration of women's human rights into U.S. foreign policy.

RECOMMENDATIONS FOR U.S. FOREIGN POLICY

First, U.S. democracy initiatives must empower women as actors in the effort to build and rebuild civil societies. The United States should support, and secure bilateral and multilateral support for, initiatives that will dismantle the legal, social and political structures that perpetuate women's equality.

Second, women's groups must be active partners in and not merely the passive targets of planning, implementation and evaluation of development projects.

Third, the United States should urge multilateral development banks to support programs that will compensate for the denials of women's basic economic, social and cultural rights that have occurred under structural adjustment policies.

Fourth, U.S. monitoring and reporting on women's human rights must be expanded to reflect more fully the reality of de jure and de facto discrimination in all categories of rights, including economic, social and cultural rights. In order to ensure the integration of women's human rights into U.S. foreign policy, and the expanded monitoring and reporting necessary to support such integration, a

senior official should be appointed within the State Department to carry out these responsibilities.

There are additional recommendations in our written testimony. I look forward to continuing this dialogue with you, and I thank you for this opportunity.

[The prepared statement of Ms. Sullivan appears in the appendix.]

ASSESSING U.S. PERFORMANCE ON WOMEN'S ISSUES

Mr. LANTOS. Well, thank you very much, Ms. Sullivan.

Let me begin by asking all three of you, or as many as want to respond, we have a new Assistant Secretary of State for Human Rights whose responsibility is clearly spelled out to include the full range of issues that we have been dealing with all afternoon: women's rights, the abuse of women and violence against women. Have you had enough time to evaluate the performance of that office thus far?

Ms. Thomas.

Ms. THOMAS. Well, as you say—

Mr. LANTOS. As you know, Secretary Shattuck will appear tomorrow before the subcommittee, and in all fairness, I want to ask this question now so he will have an opportunity to present his perspective.

Ms. THOMAS. Yes, I am quite aware he will be appearing here tomorrow. You know, as you mentioned, it is early on to assess their long-term performance. I think it is clear in the initial stages of the Assistant Secretary's tenure the United States has certainly spoken out in international fora on the issue of women's human rights, particularly most recently at the Vienna conference in terms of the draft declaration on violence against women, a special rapporteur on violence against women in the United Nations, and the full integration of women's rights issues in the U.N.'s work.

These are absolutely important issues, and there must be a multilateral effort if this problem is to be resolved.

My biggest criticism of the U.S. Government and the present administration, and it carries over from the past, is that the declarations and even the information available to the administration really doesn't translate into where foreign policy is actually being made, so when you look at our aid programs, our trade, our votes in the multilateral development banks, that one Assistant Secretary who may have very good intentions, really needs to put in place much stronger mechanisms to make sure that in each and every one of these fora, relevant women's rights issues are raised. That certainly has not occurred.

Given the example I gave you vis-a-vis Kenya, that is a good example where you might have had a good opportunity to raise a women's rights issue, and it is not clear that it will be raised. Turkey is another, a very large recipient of U.S. aid, where the issue might be raised if the administration, in particular the Office of the Assistant Secretary, really had a stronger advocate and its finger on the pulse of women's human rights abuse worldwide.

Mr. LANTOS. Would you, Dr. Toubia, or Ms. Sullivan, care to comment on this issue?

Dr. TOUBIA. I don't know very much about the work of that office since its inception. I don't think it has been in effect very long.

I would pose a question that I hope you, Mr. Chairman, would actually convey tomorrow. For instance, in the example of what would the U.S. Government do when a government that is friendly to the United States and has very clear human rights abuses of women, let alone human rights abuses of all their civilians.

And in the example that Donna Sullivan has given, for example, like the Government of Kuwait, where we know that the women of Kuwait themselves stood very, very strongly in trying to get the right to vote. That has to be said here that the women of Kuwait fought very, very hard. So it was the Government of Kuwait versus the women of Kuwait, and the U.S. Government stood by the cultural right of the government.

The United States still continues to have good relations with Kuwait, still does a lot of business with Kuwait. Where is that going?

As it happens, they don't have the same good relationship with Sudan. At this point they are having difficulties. So is women's rights going to be pending on the other interests of the U.S. Government with the national government?

Mr. LANTOS. I will be very happy to ask him that tomorrow.

Ms. Sullivan.

Ms. SULLIVAN. I would echo Ms. Thomas's remarks about the need to show tangible results in U.S. votes in multilateral financial institutions, and in our bilateral contacts. I would add regarding the World Conference, where the United States was indeed an effective advocate for women's human rights, that the United States should play a leading role in ensuring follow-up to the recommendations on women's human rights.

First, the United States is taking an active role on promoting a High Commissioner on Human Rights. It should be made clear in discussions about the proposed High Commissioner that the integration of human rights throughout all aspects of the U.N.'s activities includes women's human rights. I would highlight here the particularly important areas of peacekeeping, and peacemaking and peace-building.

Secondly, as follow-up to the World Conference, the United States must support an increase in the budget for the U.N. human rights program, at present a mere .75 percent of the total budget, to at least 3-5 percent of the total budget. The United States should also commit funds to support initiatives that will ensure the integration of women's human rights into the U.N. human rights program, and more effective monitoring of gender-specific abuses.

Mr. LANTOS. I want to thank all three of you. As you can see, I have another vote coming up, actually a series of votes.

All three of you have made very significant, unique and valuable contributions. On behalf of the subcommittee, I want to thank you and assure you this subcommittee will continue to work with you to achieve our shared goals.

This hearing is adjourned.

[Whereupon, at 3:55 p.m., the subcommittee adjourned to reconvene at 2 p.m., on Wednesday, September 29, 1993.]

HUMAN RIGHTS ABUSES AGAINST WOMEN

WEDNESDAY, SEPTEMBER 29, 1993

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
SUBCOMMITTEE ON INTERNATIONAL SECURITY,
INTERNATIONAL ORGANIZATIONS AND HUMAN RIGHTS,
Washington, DC.

The subcommittee met, pursuant to call, at 2 p.m. in room 2200, Rayburn House Office Building, Hon. Tom Lantos (chairman of the subcommittee) presiding.

Mr. LANTOS. The Subcommittee on International Security, International Organizations and Human Rights will be in order.

Today our subcommittee, in the second in our series of hearings on human rights abuses against women, will assess the efforts by this administration to integrate fully women's concerns into all aspects of our Nation's foreign policy.

The need to make women's rights a priority in our bilateral relations and economic assistance deliberations was made abundantly clear by yesterday's devastating testimony regarding the violence, atrocities, humiliations and discrimination suffered daily by women worldwide.

The Clinton administration, in a marked departure from earlier administrations, has signaled a willingness to make women's concerns an integral part of its foreign policy. The administration's strong public support for women's human rights in the international arena and the administration's commitment to seek ratification of the Convention to Eliminate All Forms of Discrimination Against Women are commendable actions.

Nevertheless, our witnesses and many of my colleagues yesterday expressed some deep reservations, which I fully share, regarding the totality of U.S. commitment to combat gender-based human rights violations.

U.S. efforts to promote women's civil and human rights still appear to be plagued by inconsistency and fragmentation. While the United States clearly documents serious violations of women's rights in the State Department's annual human rights report, the violations reported failed to surface as major policy concerns during aid deliberations.

Let me digress for a moment. It is simply not good enough for this subcommittee, and I believe for this Congress, for the State Department to point out violations of women's rights in various countries and then blithely go ahead with aid programs and other programs of benefit to these countries. We must establish an organic relationship between the finding of violations of women's

human rights and punitive action by this government. Nothing, nothing less will suffice.

For example, the U.S. Government is in the process of disbursing about \$3.5 million in military aid to the Government of Kenya for security along the border of Somalia, but has yet to explicitly direct the Kenyans to devote a portion of this aid to protect Somali women refugees. In the last 7 months alone, 192 Somali women refugees have been raped in camps in Kenyan territory.

While the United States will send almost \$2 billion to the Newly Independent States of the former Soviet Union for assisting with their transition to democracy, many of these governments have engaged in systematic discrimination in areas of employment, political participation, and other fields against women.

The enormity of the crisis is such that we can afford nothing less than a comprehensive strategy that will ensure the integration of women's concerns in our foreign policy across the board. As we heard yesterday:

The combined totals of females missing—due to female infanticide, deliberate malnutrition and selective abortion—the combined totals of females missing in Bangladesh, Afghanistan, India, Pakistan and China exceeds 77 million human beings. The way this figure is arrived at is obvious. On the basis of actuarial figures, there should be so many adult women and so many adult men. There are 77 million adult women who are not there. They are not there because they were killed as infants or were the victims of gender violence in later years.

An appalling 70 percent of women in police custody in Pakistan report sexual abuse by the police.

Over 100 million women worldwide have been subjected to the brutal practice of female genital mutilation.

The number of women living in absolute poverty around the globe rose over the last two decades by 50 percent to over 560 million women.

We must strive to include women's issues not only in our human rights policies but in development and democracy-building programs. Certainly our calls for democracy abroad will ring very hollow if our policies fail to include one-half of humanity, the women. We must translate our commitment into practice and policy.

The Department of State and the Agency for International Development are key players in this regard. I will be very interested to learn from our distinguished witnesses today their plans for combating human rights abuses against women.

Many of us in Congress regretted previous administrations' pursuit of constructive engagement and silent diplomacy on human rights when more vigorous action against offending nations was so sorely needed.

I look forward to working with this administration in a cooperative manner on this issue. And I hope this will be the first of a series of discussions on women's rights that will lead to constructive action.

We are privileged to have Assistant Secretary Shattuck and Chief of Staff for AID, Mr. McCall with us today. Mr. Shattuck has a long and distinguished career as a human rights activist, from his path-breaking work at Harvard and his unflinching efforts at

the ACLU and Amnesty International. My good friend, Dick McCall, a savvy Hill veteran, whose understanding of the nuances of the workings of Congress will undoubtedly contribute to a smooth working relationship between the Hill and the executive branch.

Before calling on our two distinguished witnesses to proceed with their testimony, I would like to express my deep appreciation to the staff: Kelly Fawcett our CIA Legis Fellow; Beth Poisson, Jo Weber, Mike Ennis, Frank Ciluf, and the Director of the Human Rights Caucus, Alexandra Arriaga for their outstanding work in preparing this hearing.

Mr. Secretary, your prepared statement will be entered into the record in its entirety. You may proceed in any way you choose.

STATEMENT OF HON. JOHN SHATTUCK, ASSISTANT SECRETARY, BUREAU OF HUMAN RIGHTS AND HUMANITARIAN AFFAIRS, DEPARTMENT OF STATE

Mr. SHATTUCK. Thank you very much, Mr. Chairman.

Your personal commitment and work in this area goes very far back. I have been privileged to work with you for many years on both domestic and foreign human rights issues, none more important than issues of women's rights and the development of a strategy for mainstreaming and integrating all aspects of human rights into our foreign policy.

I am very honored to appear here today. This is the first testimony that I will be giving in my own capacity since being confirmed. I am pleased that my testimony on violations of women's human rights will be the first I present to the committee. I commend you for holding this hearing.

I also applaud the work of the Congressional Caucus for Women and co-Chairs Olympia Snowe and my good friend Pat Schroeder. I am aware of their statements before this subcommittee yesterday, and I appreciate the work they are doing to call attention to egregious abuses of women's rights.

I was also pleased to learn that Congressman Dick Swett testified on both domestic and international systematic abuses and human rights violations against women. I have had an opportunity to review all the other testimony that was given.

Mr. Chairman, promotion of the rights of women is one of the highest priorities of President Clinton's human rights agenda, and it is central to the work of the Bureau of Human Rights and Humanitarian Affairs. By holding these hearings, you have helped focus attention on crucial aspects of the women's rights agenda, and I am delighted to contribute to this effort. Working together in the coming months and years, I am confident we can greatly strengthen measures to attack gender-based abuses that persist around the world.

OVERVIEW OF U.S. EFFORTS TO PROMOTE WOMEN'S RIGHTS

Three years ago, when this subcommittee held its first hearing on this subject, witnesses expressed concern that insufficient attention was focused on abuses of women. I would have agreed with this assessment then, and I am pleased that significant progress has taken place since then, particularly in recent months.

A major recent victory on a global basis for women's rights was achieved at the World Conference on Women's Rights where a very active U.S. delegation worked closely with women's groups to promote a substantial women's rights agenda. Women's groups were among the best organized and most effective of the hundreds of nongovernmental organizations from around the world participating in the conference. Courageous survivors of gender-specific violence from various countries spoke out at the Conference's Women's Tribunal, emphasizing the truth of the simple but often ignored slogan, "Women's rights are human rights." The U.S. Action Plan for the Conference, which was substantially adopted in the Conference's Final Declaration and was developed in broad consultation with women's groups and other human rights' NGO's in this country, called for the systematic integration of women's issues into U.N. human rights programs; training of U.N. personnel to ensure sensitivity and competence in addressing gender-based abuses; and the appointment of more women to positions of responsibility within the U.N.

In another sign of recent progress, the United States is helping lead the effort at the United Nations toward appointing the United Nations Special Rapporteur on Violence Against Women. In addition, we have strengthened and continued our monitoring of women's rights worldwide. For example, our annual Country Reports on Human Rights Practices have grown increasingly detailed in their coverage of gender-specific issues. U.S. embassies are instructed to report in greater detail any evidence of systematic physical abuse of women, governmental attitudes toward such abuse, and the extent of governmental efforts to curtail abuses. Although human rights violations against women have never been ignored in the reports, they are now very significantly highlighted.

ADMINISTRATION SUPPORTS WOMEN'S CONVENTION

Above all, Mr. Chairman, and I hope this is the headline of our presentation, I am pleased to report that the Clinton administration strongly supports the Convention on the Elimination of All Forms of Discrimination Against Women: to promote women's equality and eliminate gender-based discrimination. Secretary of State Christopher announced at the World Conference on Human Rights that the administration will ask the Senate to take up first the ratification of the Convention on the Elimination of All Forms of Racial Discrimination. After the Senate acts on the Race Convention, we will move for ratification of the Women's Convention, which was signed and transmitted to the Senate almost 13 years ago and has been pending ever since. We believe our step-by-step approach toward human rights treaty ratification will best ensure broad and bipartisan support for the human rights ratification process.

THE SCOPE OF HUMAN RIGHTS ABUSES AGAINST WOMEN

As you know, Mr. Chairman, the Human Rights Bureau monitors violations of human rights in every country in the world. The infringement of women's rights knows no geographical boundaries. While women in some countries undoubtedly experience greater discrimination and marginalization than in others, this is not a

problem confined only to a few nations. In many cases, women nominally have equal standing in law but governments interpret or enforce the laws in a discriminatory manner.

It is a disgrace that in 1993 women throughout the world are still subject to onerous and discriminatory restrictions of such fundamental freedoms as voting, marriage, travel, testifying in court, inheriting and owning property, and obtaining custody of children. All too often girls and women find their access to education, employment, health care and even food is limited because of their gender. Domestic violence affects women in every country in the world. Trafficking in women who are either duped or coerced into prostitution is rampant in Asia and elsewhere. For example, our most recent human rights report noted the sex trade in Thailand involves thousands of women and children, many of whom are forced or tricked into prostitution and are held as virtual captives by brothel operators. Sadly, as the *Washington Post* recently reported, some Eastern European women are the most recent additions to the ranks of women who are sexually exploited for the profit of others.

Specific examples of women's relegation to inferior status can be found in many parts of the world. For instance, in our latest human rights report, we noted that "women in Saudi Arabia have few substantive political and social rights, and they are not equal members of society. Some Saudis condone the 'strict disciplining' of women, including the use of physical force, as part of a proper marriage. Restrictions on women's rights are pervasive and extend from strict dress requirements to restrictions on travel. Women, including foreigners, may not even legally drive vehicles, and there are restrictions on their use of public facilities when men are present."

In Iran, women have been harassed, detained or physically attacked if they appear in public in clothing that official guardians of public morality deem insufficiently modest. In Saudi Arabia, Kuwait, and some other Gulf countries, female domestic servants lack protections against violence. From April of 1991 to July of 1992, there were 72 cases of domestic abuse or rape involving domestic servants in Kuwait.

Layoffs and unemployment brought about by economic restructuring have often been imposed on women disproportionately.

In many African and Asian countries, although women are nominally equal under the law, their access to education, health care and economic independence is often restricted in practice. Women's lack of education and access to income often contributes to their vulnerability and exploitation. In developing countries on all continents, the Agency for International Development has programs to increase women's access to education, health care, and income. A number of AID activities include legal rights education, along with other basic services targeted to women. I am sure Mr. McCall will be describing these in greater detail.

The terrible custom of female genital mutilation is widespread in many countries in Africa and also occurs in Yemen and Oman, as our human rights reports note. Female genital mutilation is estimated to affect over 70 million women worldwide. This ritual, when practiced in its most extreme form, can lead to hemorrhage, shock,

infection, inability to consummate marriage, urinary tract infection, pelvic inflammatory disease, infertility, psychological trauma, increased maternal mortality and death. The United States views female genital mutilation as both harmful to women's health and a violation of their right to physical integrity. The eradication of this abusive practice has been impeded by the fact that it often reflects deeply rooted traditions. We support the work of the World Health Organization in its efforts through education and medical assistance to bring about the elimination of this practice in countries which allow it. AID has also sponsored studies to better understand the sociocultural and economic conditions that contribute to female genital mutilation, and has funded a number of health and population-related activities in Somalia to counter the practice.

Women are also subject to human rights violations because of their political beliefs, cultural background, or their relationship to men who are subject to persecution. Women are all too often raped while in detention by government officials; murdered because their dowry is considered insufficient; or murdered with impunity by jealous husbands whose crimes go unpunished because they supposedly involve the man's "honor." Refugee women are especially vulnerable, often subject to rape and exploitation in exchange for access to relief supplies or assistance with documentation.

In areas ravaged by war, women are frequently rape victims of rampaging armies. Historically, such crimes of mass rape have gone unpublished. Now the U.N. War Crimes Tribunal on the former Yugoslavia, which the United States has played the leading role in establishing, will have the opportunity to begin to reverse this shameful legacy when the Tribunal investigates and prosecutes violations of the Geneva Conventions. Although all sides in the Bosnia conflict have committed rape, by far the worst abusers have been the Bosnian Serbs, who have used systematic sexual abuse of women and girls as a weapon of war. As an integral part of their campaign of "ethnic cleansing," Bosnian Serb military units and prison guards have used massive rape to terrify the Muslim population.

Women and girls have been herded into "rape camps." In some instances, they have been repeatedly raped until they became pregnant and imprisoned for months to prevent them from terminating their pregnancies, forcing them to deliver against their will.

Culture and tradition cannot excuse gross and systematic violations of human rights. One of our primary goals at the World Conference on Human Rights was to stress that human rights are universal. As Secretary Christopher said in his speech to the conference, "We cannot let cultural relativism become the last refuge of repression." We cannot allow women to be the exception to the fundamental principle of human rights universality. The United States affirms the principle of cultural diversity, but does not believe cultural intolerance should be used to justify abuse of human rights. We believe we should help to promote local women's groups' efforts to improve the status of women, and we should continue to make clear to governments we are concerned about systematic gender violence and gross discrimination. Governments that promote or turn a blind eye to gender-based violence are denying basic human rights.

INTEGRATING WOMEN'S CONCERNS INTO U.S. FOREIGN POLICY

Mr. Chairman, the administration regards promoting the cause of women's rights as a key element of our overall human rights policy. Addressing abuses against women is a complex and difficult, but extremely important task, and we are committed to moving forward in the following specific areas.

First, by supporting ratification of the convention on the Elimination of Discrimination Against Women, we will demonstrate how seriously we take our international legal obligations to protect the rights of women. This treaty requires States Party to condemn and work to eliminate discrimination against women. States must embody the principle of equality of men and women in their constitution, adopt laws and other measures—including sanctions if necessary—prohibiting all discrimination against women, and take measures to eliminate discrimination against women by any person, organization or enterprise. States must also act to ensure the full development and advancement of women in the political, social, economic and cultural fields.

Second, as we press for implementation of the recommendations of the World Conference on Human Rights, we will focus with particular attention on the agenda for women's rights. We were pleased that the Conference's Final Declaration endorsed positions taken by the U.S. Human Rights Action Plan. The Vienna Declaration calls for the integration of human rights of women into the mainstream of United Nations system-wide activity and stresses the importance of working toward the elimination of violence against women, sexual harassment exploitation and trafficking in women, gender biases in the administration of justice, and harmful traditional practices. The Declaration also calls for the universal ratification of the Women's Convention by the year 2000, reaffirms the right of women to equal education, accessible and adequate health care and the widest range of family planning services, and urges governments to facilitate the access of women to decision-making posts. Another important provision calls for the appointment by the U.N. Human Rights Commission of a Special Rapporteur on Violence Against Women. Finally, the Declaration urges that the human rights of women play an important role in the deliberations of the 1995 World Conference on Women.

Third, the World Conference on Human Rights also called for the establishment of a U.N. High Commissioner for Human Rights. The United States strongly and actively supports this proposal, and believes that the creation of this position will enhance the integration of women's rights throughout the U.N.'s human rights machinery. We will also consider introducing resolutions in the United Nations General Assembly, Commission on the Status of Women, and Human Rights Commission to address issues raised in this subcommittee's hearings on women's human rights.

Fourth, as the War Crimes Tribunal moves forward with prosecuting crimes committed in the former Yugoslavia, the United States will press for the assembly of evidence to prosecute systematic rape as a war crime and a tool of ethnic cleansing. We are pleased that the U.S. candidate for 1 of the 11 judgeships of the

Tribunal, Judge Gabrielle Kirk McDonald, was elected to the Tribunal and received more votes than any other candidate.

Fifth, the elimination of abuses and discrimination against women will be an important factor in our overall consideration of the human rights records of countries interested in receiving U.S. aid and trade benefits. Our efforts to promote democracy, which include the administration of justice and broad citizen participation in social and political life, will be a major vehicle for advancing women's rights in new and emerging democracies around the world.

And I note, Mr. Chairman, your particular interest in integrating human rights standards into aid and trade policy. I can assure you this is something that is of very high importance to the State Department and certainly above all to my bureau.

Sixth, as I noted above, an integral part of our human rights reports is examining the ways in which women are subject to gender-specific discrimination and abuse. In addition, our embassies abroad report throughout the year on the status of women in host countries. This year's instructions to overseas posts on preparing the 1993 human rights reports emphasize that abuses targeted at women should be included throughout the report in the appropriate section in an effort to mainstream and integrate all aspects of the human rights reporting process with women's rights issues. For example, rape by government officials would be covered in the section on torture; restriction of voting rights would be covered in the section on the right to choose one's government, and so forth. There is also a separate paragraph in the instruction cable specifically requiring that our embassies and consulates report on trafficking in women.

I am aware and I endorse proposals by both the House of Representatives and the Senate to create a full-time position within the Bureau of Human Rights to address women's issues. I note that an employee within the bureau has always included women's rights in her portfolio, and I certainly intend to expand that portfolio substantially. Whatever the outcome of the Senate and House proposals, I can assure you that I plan to assign someone to work on these issues full time.

Mr. Chairman, promoting the equality of women is an essential component of this administration's human rights and democracy policy. As Secretary Christopher said when he addressed the World Conference on Human Rights, "violence and discrimination against women don't just victimize individuals; they hold back whole societies by confining the human potential of half the population." Guaranteeing women their human rights is a moral imperative. It is also an investment in making whole nations stronger, fairer, and better. We look forward to working with you and with the entire Congress toward the realization of this common goal. And I would be happy at an appropriate time to answer any and all questions you may have.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Shattuck appears in the appendix.]

Mr. LANTOS. Thank you very much, Secretary Shattuck.

We will now hear from Mr. Richard McCall, Chief of Staff of the Agency for International Development. Your prepared statement will be entered in the record in total. You may proceed any way you choose.

**STATEMENT OF RICHARD M. McCALL, JR., CHIEF OF STAFF,
U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT**

Mr. McCALL. Thank you very much, Mr. Chairman.

I welcome this opportunity to testify at this hearing on the subject of women's human rights. The Administrator of the Agency for International Development, Brian Atwood has asked me to commend you on your leadership in this area. Brian also asked me to assure you of his personal commitment to the serious problems and needs of women in developing countries and of his conviction that a proper focus on the role of women in development is the key to progress in all societies.

The sad fact is that despite progress made by governments to improve the social, economic and legal status of women, discrimination and human rights violations based on gender persist on every continent. A vicious cycle persists through which women's low social, economic and political status renders them more vulnerable to abuses of their human rights and their unequal rights reinforce their low status.

Women bear the burden of social, economic, and political discrimination and abuse throughout much of the world. Women are generally employed in a restricted range of jobs—in low-paid, low-productivity work, where they are subject to discrimination and oftentimes to sexual harassment.

WOMEN ARE KEY TO SUSTAINABLE ECONOMIC DEVELOPMENT

In developing countries, one of women's greatest contributions outside the home is agriculture. In Africa, about 60 to 80 percent of the agriculture labor force is female. And in Asia, 80 percent of the post-harvest work is carried out by women.

Women also make up a significant percentage of the informal sector—often forced to combine work and childcare responsibilities. In Latin America, women make up 25 to 40 percent of the informal sector employment.

Women in almost every country tend to be concentrated in lower-status jobs. In manufacturing, women often do much of the routine production line work. In the export processing zones of Southeast Asia, women provide up to 80 percent of the work force. Low status is reflected in low pay, with women's earnings frequently only 50 to 80 percent to those of men.

This year is the 20th anniversary of the enactment of legislation officially acknowledging that women are a crucial resource for development. It is therefore appropriate that AID use this occasion to recommit itself to breaking this cycle of abuse and discrimination.

Women must be empowered and gender issues must be integrated completely into all development assistance programs. The new administrator is committed to this effort not only in our programs abroad but also in our employment and promotion policies within the agency as well.

With a vigorous and renewed commitment, AID will aggressively promote changes in laws and policies to accord women full human rights and to educate them on their rights. AID's most important and far-reaching contribution to breaking the link between gender-based inequalities in human rights and women's low status is to focus on many of the underlying conditions which make women vulnerable to violations of their rights.

In developing countries, gender-based stereotypes and social, cultural, economic and educational expectations continue to undermine women's equal participation in society and the exercise of their full human rights.

The fact that societal stereotypes of women lead to violence, physical abuse and even death, is evidence of the serious consequences of women's powerlessness in relation to men.

Under this administration, AID will give top priority to the empowerment of women and the protection of their human rights through education, increased economic opportunity, family planning and health services, and support for indigenous women's organizations. We do this not only because it is morally right, but also because democracy and sustainable development are not possible without the full and equal participation of women. We commit ourselves to this course of action, fully cognizant that we ourselves are not totally free of gender-based discrimination in our own society.

INSTITUTIONALIZING GENDER PROGRAMS AND POLICIES

In effectively carrying out this commitment to enhancing the rights and status of women, AID's Women in Development Office must once again be taken seriously and strengthened. In addition, women in development issues have to be an essential focus of a reconstituted policy planning directorate.

As we move forward in reorganizing the structure of AID, we are grappling with the problem of how we institutionalize programs and policies that address gender issues. The Women in Development Office needs to be established within the organization in a way that will ensure that women's needs not only permeate all our development programs, but that they transcend the priorities of changing administrations.

I would like to digress from my prepared testimony and offer some personal reactions to some of the issues being addressed by your subcommittee, Mr. Chairman.

THE HORROR OF FEMALE GENITAL MUTILATION

I had the opportunity to view for the first time yesterday the Day One piece on female genital mutilation. I was stunned by what I saw—not just because it is a ritual performed on girls, but as much by the purposeful infliction of pain on a child. The trauma and obvious pain on the faces of the little girls, having suffered this procedure, is as abhorrent as visual graphics of the distended bellies of starving children. There isn't a cultural tradition which can justify the subjecting of any child—be they female or male—to this form of torture. And it is a form of torture which carries with it consequences for a lifetime.

Some would argue that we have to proceed carefully in dealing with this problem because it does involve the cultural traditions of

countries. But history is rife with examples of where governments have outlawed cultural traditions which have inflicted pain and suffering on a class, race or group of people. The time is long overdue for gender to be included in this list.

Mr. Chairman, you are to be commended for taking on this issue.

In addition, the producers of Day One deserve special recognition for what they have done to bring this issue back to the forefront of our concerns. Believe me, the old adage that "a picture is a worth a thousand words" has never been more compelling than the visuals that Day One brought into our homes.

What can we do not only as individuals but as governments to eliminate this practice? Gender-based abuses are human rights abuses and they must be elevated as a primary policy concern in our relations with other nations.

In addition, women's organizations which are fighting an often lonely battle to end this practice need to know that the global community in general, and our Government in particular, share their struggle. We need to make it very clear to governments that we support the efforts of these courageous women and we need to work closely with these organizations to strengthen these efforts, including the provision of financial and technical assistance resources.

We cannot place on women the entire responsibility to change the patterns of abuse and discrimination. We must also work to change the attitudes of men who perpetuate the mores and culture in which these abuses occur. We have to deal with this in the context of a male-dominated society where men find unacceptable women who do not subject themselves to this ritual.

EMPOWERING WOMEN: THE EL SALVADOR CASE

I am not one who accepts the fact that because it is a cultural tradition, that a given practice which is harmful to others cannot be eliminated. I would like to cite an example of a good friend of mine, Dr. Vicky Guzman of Santa Ana, El Salvador. Vicky runs a preventive health care program in the mountains above Santa Ana. It is a very remote area that is oftentimes inaccessible even to four-wheel drive vehicles.

The first time I visited this area 4 years ago, it was obvious that the population, particularly the women and the children, suffered immensely from an inadequate diet and disease. Four years later, the human landscape has changed dramatically for the 100,000 target population Vicky has reached. Vicky implemented a program for the men and women of this area—a program which taught the men to respect their wives as human beings beyond their traditional roles as laborers and as bearers and rearers of children.

There are sensitivity sessions run by Salvadoran men and women whom Vicky has trained. Has it been successful? Inordinately so. You can see the difference in how the men now relate to their wives. And as Vicky so proudly points out, many couples have fallen in love for the first time.

Love is a wonderful and powerful human trait, because it demands and gives respect. It is a sharing and caring relationship. It says to the object of love that you are not only a worthwhile human being, but a person to cherish, nurture and protect. Pro-

grams that focus on the well-being and empowerment of women can make a difference.

I have also followed very closely another program in El Salvador, the village bank program administration by FINCA. It is a microenterprise program focused exclusively on women. It has substantially increased the income of women entrepreneurs. They use the increased income to provide a better diet and clothing for their children. The increased income ensures that greater numbers of children, girls and boys alike are now attending school. But just as importantly, the self-esteem which has been engendered within these women is almost immeasurable. You can see it in their faces; you can see the pride they take in their business enterprises and their business successes.

Additionally, the successful woman microentrepreneur is treated with respect in her community. She is now viewed as a woman—as a human being—of worth and value.

Women tend to be seen in relation to others—children, husbands, parents, employers—rather than as valuable individuals in their own right. Because of this view of women, it is not surprising that their individual human rights are often subordinate to the needs of other people.

The violation of women's human rights are often brought about by their low social and economic status within their own societies, communities and families. However, programs like Vicky's and FINCA's village banks, to name but a few, can make a difference, and a dramatic difference at that.

AID'S PLANS FOR PROMOTING WOMEN'S RIGHTS

In a broader sense, this is the challenge before us. We are now striving to implement a framework of values within AID that places the sanctity and aspirations of the individual human being at the heart of U.S. foreign policy.

Brian Atwood has committed himself to a new vision for AID which recognizes the direct participation of people and, most importantly, women in solving their own problems. He understands this is critical to overcoming the age-old curses of poverty, hunger, disease, illiteracy and human rights abuses.

This new vision recognizes that the challenges posed to global stability—unrestrained population growth, environmental degradation, and economic deprivation—are people problems, the solutions for which can be found only by engaging people, and women in particular, directly in the development process.

This vision recognizes that disadvantaged majorities, the most disadvantaged of whom are women, have been marginalized by the political, economic and social exclusionary policies of too many governments around the world.

These disadvantaged majorities constitute the human face of global concerns such as population growth and environmental degradation. These victims are compelled by circumstances beyond their control into making choices dictated by the most basic of human drives—that of survival and self-preservation.

People are poor because they are powerless and they are powerless because they are poor. This is particularly true for so many millions of women throughout the world. Poverty and powerless-

ness go hand in hand. And if you are powerless, you are vulnerable to the worst abuses ever conceived of by human kind.

In conclusion, Mr. Chairman, we must press national governments much more forcefully to accord women their full human rights and to ensure that women and their needs are integrated fully into their development strategies. The willingness of governments to address women's human rights, their social, economic, and political status in society, should be a yardstick by which we measure commitments to empowerment and participation in our foreign aid programs.

While there are moral reasons in pressing for the full realization of social, political and human rights for women, there are practical reasons as well. Sustainable development will not be an achievable goal if the full potential of disadvantaged majorities such as women is not developed and unleashed.

Thank you very much, Mr. Chairman.

[The prepared statement of Mr. McCall appears in the appendix.]

Mr. LANTOS. Thank you very much, Mr. McCall.

I do have a number of questions that I would like to pose to both of you gentlemen. We have a vote that I will barely make, so the subcommittee will be in recess for about 5 minutes.

[Recess.]

Mr. LANTOS. The subcommittee will resume.

I am delighted to welcome my distinguished Republican friend, ranking Member of the subcommittee, Congressman Bereuter for any opening statement he would like to make.

Mr. BEREUTER. Mr. Chairman, I know you are in the middle of this hearing, and I just want to apologize for being late. I was at another subcommittee hearing. This subcommittee has my primary interest because I am the ranking Member and because of the subject matter. I will try to catch up with the testimony.

Thank you for coming.

Mr. LANTOS. Let me say that Congressman Bereuter is one of the most effective fighters for women's rights in this body.

Mr. BEREUTER. Mr. Chairman, may I have unanimous consent to have my formal statement put in the record.

Mr. LANTOS. Without objection.

[The prepared statement of Mr. Bereuter follows:]

PREPARED STATEMENT OF MR. BEREUTER

Yesterday, this subcommittee got a sense of the breadth of gender-based discrimination, and the physical and emotional toll that results from slavery, female mutilation, forced prostitution, bride burning, female infanticide, and the other abuses that are systematically inflicted upon women in various parts of the world.

The testimony was extremely disturbing. It is clear that, despite the fact that virtually every government condemns gender-based discrimination, and despite the fact that there are international conventions that address these problems, the truth is that very little progress has been made in addressing human rights abuses against women. It is true that there have been successes. India, for example, has made it much more difficult to engage in the practice of widow-burning.

But for each success that we can point to, it seems that there is also a dramatic and disturbing setback. For example, slavery is on the rise in Burma, Thailand, the Philippines, and elsewhere in Southeast Asia. And, we have all been shocked and horrified at the systematic use of rape as a weapon of war in Bosnia.

Today we have an opportunity to learn what the United States is trying to do about this problem, both diplomatically and through our foreign aid program.

For years, I have been trying to increase our support for basic education. In many cultures women simply do not have the opportunity to learn to read and write.

Without even a rudimentary education, there is little chance these women will be able to lift themselves out of poverty. And illiterate women are more likely to tolerate the gender-based abuses that are so prevalent in the developing world. Basic education would seem to be a key tool in the battle against human rights abuses against women, and I hope our witnesses would respond to this view.

Mr. Chairman, I look forward to hearing from our witnesses. In particular, I would welcome Dick McCall, a fellow alumnus of the University of Nebraska. I would tell him that his predecessor as Chief of Staff to the AID Administrator is also a native Nebraskan—and someone who happened to serve as my administrative assistant for many years. I am pleased to see that the rich Cornhusker tradition at AID remains intact.

Mr. LANTOS. I would like to begin by differentiating between enumerating problems and taking action. Last year about this time the previous administration was all set to grant Most Favored Nation treatment to Romania. The leadership on the Majority and Minority side concurred with that decision. But having followed human rights conditions in Romania very closely, I did not. I put on a rather spirited campaign which initially got very little attention.

Most Favored Nation treatment was put on the consent calendar on the assumption that it would just sail through. We beat it three to one and got the attention of the Romanians. During the course of the last 12 months, we have seen very significant improvements in human rights conditions.

For instance, for the first time this past week, when there were pogroms against gypsies in Romania, Iliescu, the President, issued a very strong statement, and for the first time in the history of Romania, the government paid some compensation to the families of gypsies who were persecuted and abused.

A few days ago, the International Olympics Committee declined to give Beijing the Olympics for the year 2000. The Chinese Communist regime, one of the most outrageous perpetrators of human rights violations, put on an absolutely incredible campaign, both within China and internationally. God only knows what it cost them. And it was a marvelous moment when the envelope was opened and Sydney was declared the winner, because it was a blow not to the Chinese people, which was never intended, but to a dictatorial, totalitarian, abusive regime that perpetrates human rights abuses against men and women, against minorities like the people of Tibet and others.

Now, what disturbs me in our Government's actions so far is that they are practically nonexistent with respect to the issue of women's rights. It seems to me that had we merely listed the unacceptable character of racial discrimination in South Africa, had we listed the abuses the black population in South Africa were subjected to, and had we stopped there, I bet you dollars for doughnuts that the practice of apartheid would be in full bloom in South Africa today. We would have made no progress with respect to the difficult task of trying to build multiracial political democracy.

I find, and I realize I am talking to a very large extent about the past and not the present and the future, the State Department has had almost a blind spot with respect to abuses aimed at women.

ASSESSMENT OF STATE DEPARTMENT'S REPORTING ON ABUSES
AGAINST WOMEN

Yesterday one of our witnesses was Dorothy Thomas, who is Director of the Women's Rights Project of the Human Rights Watch. And this is what she says in part about State Department country reports. I would like to read a paragraph, and I would like then to ask you, Secretary Shattuck, to comment. Let me emphasize again, I realize this report was prepared before you came on board.

While we welcome steady improvement in the coverage of women's human rights in the State department country reports on human rights practices, we believe that some problems persist. The country reports repeatedly failed to categorize rape of women by government forces or opposition militants accurately.

The 1992 Somalia report noted, "By all authoritative accounts, rape became commonplace in the villages and towns that changed hands in factional fighting. This information was included in the discrimination section, even though the official instructions expressly call for rape and other abuse committed by government or opposition forces to be discussed under torture and other cruel, inhuman or degrading treatment or punishment section.

"In the Uganda report, the high incidence of rape, especially by soldiers operating in the North, is also inaccurately included in the discrimination section, where it is discussed together with wife beating.

"In Thailand, forced prostitution amounts to sexual slavery and violates women's internationally recognized worker's rights. The State Department reports it as discrimination."

I wonder if you would care to comment on these.

Mr. SHATTUCK. Well, thank you, Mr. Chairman. As I said in my prepared statement, certainly with respect to the issue of rape committed in times of conflict, there is no question that this is a matter that goes far beyond issues of discrimination. In fact, it is a war crime in the event that there is rape committed by soldiers systematically in the context of civil conflict.

In the case of the former Yugoslavia, as I also said, the use of rape as a systematic tool of ethnic cleansing can in fact involve acts of genocide and therefore that kind of violence against women needs to be treated by its proper label.

And I can assure you that is the way we will treat these issues in the human rights reports. I want to make sure we do everything that we possibly can to integrate all aspects of women's rights reporting into the mainstream of the human rights report, so that we don't simply take women's issues and treat them in a separate section or category. They need to appear throughout the report in all particular sections.

So the categorization that you described of the use of rape as a form of discrimination clearly is not the right place to put it.

Mr. LANTOS. It is outrageous.

Mr. SHATTUCK. It may well be that, but it is far more than that. We need to call things by their proper names. And that is a large part of what the reporting process is about. Not only to get the facts right, but to get them characterized properly so that it is possible to draw some conclusions from the facts.

[The following response was subsequently submitted by the Department of State for inclusion in the record:]

Our instructions to our Embassies for the past several years have made clear that where there is a pattern of abuse (e.g., killing, rape or other physical abuse, exclusion from the political process), by government agents—or in some cases by insurgent or terrorist groups—against women, children, or minorities, that should be reported in the appropriate section of the report. In most sections of the report (political killing, torture, freedom of speech, et cetera) we are concerned with abuses perpetrated by government against individuals or groups of individuals. In section 5 of the report we deal with economic, social or cultural discrimination perpetrated by governments but also with discrimination or other abuses by elements of society against others in the society. In the latter category of abuses, the perpetrator is not the government but the question arises what the government does to prevent such abuse, i.e., whether it lives up to its obligation to enforce the law equally to ensure protection of all elements of the society. Thus, to take violence against women (including rape) as an example, we would report in section 1.c. (Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment) any instances of rape or other physical mistreatment of women in official custody or by security forces (or insurgents) in the field. However, wife beating, rape perpetrated by private individuals, trafficking in women and other examples of societal abuse of women would be discussed in section 5—with an analysis of what, if anything, the Government had done to try to halt such abuses. The fact that an abuse by a private citizen against another private citizen is reported in section 5 is in no way an indication that it is viewed as a less serious abuse. A rape is an act of unacceptable violence whether committed by a policeman or soldier or by a private individual. However, the action to be expected of the government and the degree of its culpability in the two situations are quite different.

You quoted, Mr. Chairman, from a report by Human Rights Watch which, in commenting on the 1992 country reports, cited the reports on Somalia and Uganda as having reported rape of women in section 5 and the report on Thailand as having reported on trafficking in women in section 5. In the case of the Somalia report, there was a brief reference to rape of women in section 5 but section 1.c. of that report also properly reported that clan militiamen frequently raped the women of opposing clans. In the Uganda report, the killing and rape of women was considered sufficiently egregious to warrant mention in the introduction of that report. Unfortunately, through oversight, the rape committed by soldiers was discussed in more detail in section 5 rather than section 1.c. where it properly belonged. In the Thailand report, we did indeed discuss in section 5, in great detail I might add, the question of trafficking in women which is in accordance with our instructions for reasons I noted above.

In a final note on this topic, Mr. Chairman, let me say that we pay careful attention to reviews of our reports by nongovernmental organizations (NGO's) and actively seek their comments. We made a number of important changes in our instructions to our embassies earlier this year as a result of input from a number of NGO's. I firmly believe that close and continuing consultation with our colleagues in the NGO's can only help us in our ongoing efforts to make the country reports as accurate as possible.

Mr. LANTOS. Homicide is not a misdemeanor.

Mr. Secretary, can you tell the subcommittee specifically, what training do Foreign Service Officers receive within the field of human rights as they relate to women's rights issues?

Mr. SHATTUCK. Well, there is training in the Foreign Service Institute for Foreign Service Officers in a wide range of human rights issues. All officers must go through a training process.

Because we are making a priority of women's rights, I am going to assure that there is full consideration of these issues in the Foreign Service Institute training process for human rights.

We are also going to be instituting—

Mr. LANTOS. You don't know whether there is any such curriculum at the moment?

Mr. SHATTUCK. Women's rights are taken up in the context of the human rights training that is done. But I am not going to say to

you that there is a specific highlighting of those issues. I am going to review that in order to ensure that we are fully covering women's rights issues in the human rights training, as well as to expand the amount of training that is going on.

I might also say, Mr. Chairman, that recently the Secretary of State has sent a cable to all of our embassies worldwide calling upon a strengthening of the human rights reporting process. This is a cable that was prepared by our bureau and suggested by us.

We are going to fix responsibility for human rights reporting at several levels within embassies to ensure coverage, not only by individual officers assigned by the Ambassador to do human rights reporting, but also by higher level officials within the embassy. Hopefully the Deputy Chiefs of Mission will be responsible for coordinating human rights action plans and reporting activities. In that context, and using the instructions that we are sending out to all of our embassies now, issues of women's rights will be very actively pursued at the embassy level.

Mr. LANTOS. By the way, if on any of these questions you want to come in, Mr. McCall, feel free.

Mr. MCCALL. Mr. Chairman, could I introduce Kathy Blakeslee, Director of our WID Office. She is extraordinarily helpful to me. That is why I have her up here.

APPRAISAL OF U.S. EFFORTS TO PROMOTE WOMEN'S HUMAN RIGHTS

Mr. LANTOS. Welcome, Ms. Blakeslee. I realize I am asking questions about past behavior for which you are not responsible. But I am just curious, Mr. Secretary, has any American ambassador in the history of our State Department made a demarche on a foreign office concerning women's rights violations, to the best of your knowledge?

Mr. SHATTUCK. I would have to look into that and get back to you.

Mr. LANTOS. If you could submit that for the record.

Mr. SHATTUCK. I would be happy to do so.

Mr. LANTOS. Because it is obvious to those of us who have been humble workers in the vineyards of human rights for decades, that Ambassadors routinely make demarches to foreign officers concerning all kinds of human rights violations: religious, racial, ethnic and otherwise. To the best of my knowledge, I have never been aware of a U.S. Ambassador making a specific demarche concerning women's rights violations, even though they occur on a gigantic scale in many countries with which we do business.

Mr. SHATTUCK. This is not entirely responsive to your question and I will supply you information after I obtain it myself. We have recently conducted a demarche worldwide on the subject of the U.N. General Assembly agenda, a portion of which comes out of the World Conference on Human Rights and relates to critical issues involving women's rights and the creation of the High Commissioner on Human Rights as well as ultimately the adoption of a special rapporteur position in the U.N. Human Rights Commission in Geneva.

[The information follows:]

Yes, the Department certainly has made many demarches about abuses affecting women, including torture, extrajudicial killings and disappearances, lack of due

process as well as limitations on civil and political rights. My testimony raised a number of these issues, such as restrictions on women's right to vote. U.S. representatives have also raised U.S. concerns with problems such as mistreatment of Asian maids in some Middle Eastern countries, female infanticide, forced prostitution, and mistreatment of women in refugee camps.

These are subjects that have been identified by Ambassador Albright and myself as the critical top priorities for the United States in the U.N. General Assembly. We have notified all of our embassies of that fact and have asked them to meet with governments concerning this agenda. They have begun to do so.

THE SITUATION IN KUWAIT

Mr. LANTOS. Mr. Secretary, I have taken a particular interest in recent years in the plight of Filipino women who work in Kuwait in a variety of capacities. Large numbers of these women have been systematically abused by their employers.

I am wondering if there is anything that either you or your department as a whole has done in terms of our dealings with Kuwait. After all, had we not acted, today Kuwait would not exist as a country.

It seems to me it is not much to ask the Government of Kuwait to ensure that women, wherever they come from, the Philippines or other places, who go there to work because of economic hardship in their own countries, be treated as human beings and not as chattel.

Are you aware of any action taken by our Government with respect to this issue?

Mr. SHATTUCK. I am. I should correct my earlier comment. I am very specifically aware of several demarches being conducted by our Ambassador in Kuwait on the precise subject of the mistreatment and gross abuse of domestic servants in Kuwait. In fact, I myself met twice with the Ambassador when he was in the United States several months ago. We discussed this issue, and following up on that, he returned to Kuwait to raise it directly with the government.

There has been some very modest—and I stress, very modest—improvement in the situation in that a Kuwaiti couple was recently sentenced to 7 years in prison.

Mr. LANTOS. I saw that.

Mr. SHATTUCK. For murder. Seven years is a mild sentence for murdering their domestic servant under rather egregious conditions. But this is a subject that is being raised vigorously by our Ambassador Gheam in Kuwait.

Mr. LANTOS. I know him well.

This last case that you mentioned is really not a response to violations of women's rights. This is a response to murder. And while I realize that a woman was involved as the victim, it really doesn't address the general issue that I am raising, which I know you will pursue.

Mr. SHATTUCK. If I might, Mr. Chairman, just add to the Kuwait example. We have pursued the issue of suffrage and the right to vote in Kuwait repeatedly with the Kuwaiti Government. Both the Ambassador and the Secretary of State raised this issue during the Secretary's visit in February to Kuwait. A Kuwaiti English lan-

guage newspaper ran a headline proclaiming, "U.S. speaks for Kuwaiti women," following the Secretary's very aggressive pursuit of the right to vote in Kuwait.

We have been pleased at some of the movement that has occurred in that country over the general question of voting and democracy. But we are not satisfied that there has been movement on the right to suffrage. It is a matter now pending in the Kuwaiti national assembly. The Vice President has also raised it this week in his discussion with the Kuwaiti head of state at the U.N. General Assembly.

U.S. ECONOMIC POLICY TOWARD OFFENDING NATIONS

Mr. LANTOS. If I am correct, Mr. Secretary, currently the U.S. Government opposes loans by international institutions to only a few countries on human rights grounds. If I am not mistaken, the list of countries is China, Iran, Mauritania, and Equatorial Guinea. Clearly there are additional countries in which the state itself is involved in a systematic pattern of gross abuses against women's rights, such as Pakistan, for instance.

To what extent are such governmental abuses considered when determining our Government's position on nonbasic human need loans in multilateral development banks?

Many of these countries desperately need these loans. We play a pivotal role in determining whether they get these loans or not. I want to see them get these loans because these are destitute countries which need them. But I want to get something in return, namely an improvement in the condition of women. And it seems to me that we have enormous leverage in this respect, and to the best of my knowledge, this leverage has not yet been used.

Mr. SHATTUCK. Mr. Chairman, as you know, the Congress has set forth in the International Financial Institutions Act the provision that countries with a consistent pattern of gross violations would not be eligible for U.S. support could vote to preclude for loans under multidevelopment bank procedures. As you indicate, the United States has implemented that provision in some cases.

Within the State Department, I have raised this issue recently and am in consultation with the Economic Bureau to ensure that there is a constant flow of information regarding MDB loans before, they come up.

I should also say that the rest of the international community is far less vigilant than the United States, even in its somewhat limited way, has been. We expect to be more vigilant. I would like to see us be able to register our negative vote rather than to simply abstain, as is the case in many instances. But that is a matter that is under discussion right now. But certainly this lever is available for a wide range of purposes including human rights and democracy promotion, as well as very specifically for use with respect to gross and systematic violations of women's rights. It is a lever that, even if we were to pull it, doesn't necessarily mean it will be effective, because other nations will, in fact, override our lone consent or abstention.

I expect our bureau, under my leadership, to be vigorously arguing within the department when there are MDB loans under consideration, as there have been recently for China. For example, we

recently made a very clear determination not to provide MDB assistance because of gross and systematic violations.

Mr. BEREUTER. Mr. Chairman, may I join you on this?

Mr. LANTOS. Of course.

Mr. BEREUTER. You are involved in my other committee's area of jurisdiction, the Banking Committee, where we have the responsibility for the multilateral development banks. Those executive directors, of course, are executive directors who report to Treasury, in fact, I think are legally, organizationally, Treasury officials.

In any case, I think it is clear that we look to the State Department as the primary focus of concerns that we will want to raise about abuse of human rights. It seems to me that while we are more aggressive in pursuing this concern on the multilateral development banks than any other country by and large, and oftentimes when we bring it up that is resented by other participants in the room making decisions on loans, yet I think the State Department has some work to do with respect to Treasury, to elevate this as an issue.

While your position may be strong, if it isn't conveyed to our executive director through the Treasury Department, it doesn't really have an impact. I would agree with the Chairman that I think even though we have only one vote, it is a weighted vote, it is a substantial vote. The kind of work that goes on in the corridors beforehand can give us extraordinary influence when we want to use it.

So I would encourage you to work out and improve, if necessary, these relationships between State and Treasury. You are the primary focus of our conscience on this matter.

Thank you, Mr. Chairman.

Mr. LANTOS. Any other questions?

Yes, Mr. McCall.

Mr. MCCALL. Can I just add one thing, Mr. Chairman? I think in many ways the debate has to be extended to the reality that you are not going to get what you want out of these loans. You are going to marginalize or exclude large segments of the population. There are human rights criteria that are critical in this as well. But the reality is that if you treat your citizens and the substantial majority of your citizens in this manner, and they are not participants in the development process themselves, these loans are not going to in the end produce the kind of results we want to see them produce. And that holds true for our own bilateral programs as well.

THE NEED FOR A SENIOR ADVISOR ON WOMEN'S HUMAN RIGHTS

Mr. LANTOS. Mr. Secretary, we are often accused and often correctly accused of micromanaging. We micromanage when we have concerns about management. So before I have any concerns about management, may I ask at what level will the women's rights position in your bureau be established? Because I believe that unless that position is established at the level of Deputy Assistant Secretary, it will not have the clout, irrespective of job description, to get the job done.

Are you ready at this point to level with the subcommittee and tell us what your plans are so we know whether to oppose you or support you?

Mr. SHATTUCK. What do I have to say to get your support?

Mr. LANTOS. Just yes.

Mr. SHATTUCK. Mr. Chairman, as you know, the State Department itself is under reorganization, and there is legislation pending to complete the reorganization process. And when the department is reorganized, my bureau will become the Bureau of Democracy, Human Rights, and Labor. It is now the Bureau of Human Rights and Humanitarian Affairs.

Mr. LANTOS. You will be pleased to know all three of those fall within the jurisdiction of this subcommittee.

Mr. SHATTUCK. I am delighted. And I am sure we will work together in all three of those areas.

Mr. LANTOS. I look forward to it.

Mr. SHATTUCK. Thank you. The bureau organization that is contemplated in that arrangement allows the appointment of three Deputy Assistant Secretaries, and not surprisingly, they will have responsibilities in each of the three areas for which we are responsible.

I am very pleased to be able to inform the subcommittee—you may already know—that two of the three Deputy Assistant Secretaries, those that I had responsibility for directly and personally appointing, are outstanding women in the fields of human rights and democracy.

The principal Deputy Assistant Secretary is Nancy Ely Raphel, with long experience in the Department, and a great deal of expertise in the international human rights field, the U.N. field, et cetera. At the Principal Deputy Assistant Secretary level, she will have responsibility for all aspects of human rights, and will integrate women's rights into the mainstream of human rights policy and foreign policy. There will also be an additional person who will spend full time working on human rights issues in the bureau.

DENYING MFN TO OFFENDING NATION

Mr. LANTOS. Mr. Secretary, to the best of your knowledge, has the United States ever denied Most Favored Nation treatment to a country for gender discrimination?

Mr. SHATTUCK. I would have to give you the same answer that I gave before, which is I would be happy to do some research and get back to you on it. It is my understanding informally that it has not.

[The information follows:]

The United States has not denied MFN based upon gender-specific issues. MFN is by statute conditioned on the right to emigrate from Communist countries. But, a fuller answer would be that we raise women's issues forcefully on general human rights grounds. Certainly over the years, there have been women on our representation lists when we pressed Communist countries for positive resolution to specific cases related to the right to emigrate.

Mr. LANTOS. In principle, are you in favor of advocating the denial of Most Favored Nation treatment to a country which governmentally, systematically engages in discrimination against women?

Mr. SHATTUCK. I think a country that engages in a consistent pattern of gross violations of the kind that is described in the International Financial Institutions Act would be a good candidate for that kind of treatment.

Mr. LANTOS. I will follow this very closely, because MFN treatment is really one of the very important leverages that we have. And Congress has from time to time acted contrary to administration wishes and sometimes as in the case of Romania last year, done so successfully.

So I would be grateful if you take back the word to your colleagues in other areas of the department that this subcommittee will view very carefully the decision on MFN treatment to countries which systematically as a government policy pursue a pattern of discrimination against women.

ADMINISTRATION ENDORSES WOMEN'S CONVENTION

I believe the Secretary of State and you also said that you will push for the ratification of the Convention on the Elimination of All Forms of Discrimination Against Women, which is commonly called CEDAW, I believe. How important a priority will this be for the administration?

Mr. SHATTUCK. Very, very high priority, Mr. Chairman. The issue of the ratification of the human rights treaties is one of the highest priorities of my bureau and of the State Department and of the administration. We feel that there is a great deal of unfinished business in terms of the United States' obligations to the international community to demonstrate that we are serious about human rights issues. We anticipate early consideration of the racial discrimination convention and the women's convention, as I described in my testimony, and as the Secretary indicated in his statement in Vienna.

PROMOTING WOMEN'S RIGHTS IN INTERNATIONAL FORUMS

Mr. LANTOS. Mr. Secretary, I would be grateful if you would describe for us the major goals we as a government have for the upcoming conferences in this field. One, the Conference on Population and Development, which is taking place next year; the U.N. International Year of the Family, which will take place in 1995; and the fourth World Conference on Women, also in 1995. Let me help you a little bit.

My understanding is that Ms. Fraser, who is currently doing the job of U.S. representative to the U.N. Commission on the Status of Women, has a part-time contractor and one full-time staff person responsible for the U.S. report. And I wonder whether that is sufficient to prepare the United States for the fourth World Conference on Women, which is a conference with an enormous agenda, and I personally believe of great importance.

Mr. SHATTUCK. I would personally agree with you, Mr. Chairman, that all three of those conferences are of very great importance. The one of most immediate concern to my responsibilities is the World Conference on Women. And I should add that I have been very privileged to work closely with Arvonne Fraser, who is a great leader in this field, a member of our delegation at the

World Conference on Human Rights, as well as the leader of our delegation on the Commission on the Status of Women.

Mr. LANTOS. What is the status of her confirmation, Mr. Secretary?

Mr. SHATTUCK. I can tell you, Mr. Chairman, she has the full support of the State Department and the White House, but there is a lot of other business that is pending. She has been appointed the Chair of the Commission on the Status of Women. There is also an ambassadorial appointment that goes with that, and that is what is pending right now. But I think it should be coming very soon.

Mr. LANTOS. I hope so, because that rapidity doesn't seem very rapid to this subcommittee.

Mr. SHATTUCK. She is very much engaged in the work of the commission and the planning of the conference. Indeed, as you say, there is an enormous amount of work to be done. She will need all the assistance that we in the Human Rights Bureau, as well as others in the government, can provide her as we get ready for that conference.

With respect to the other two conferences, I should say the primary responsibility for planning them is elsewhere in the State Department, although I anticipate that the Human Rights Bureau will have a very direct involvement in the planning as well.

Mr. LANTOS. Congressman Bereuter.

Mr. BEREUTER. Thank you, Mr. Chairman.

Mr. McCall, I had a chance to look over your testimony here, and I do believe that AID is focusing to a much greater extent on women in its developmental aid, and also in its funding of microenterprise programs and banks that fund those microenterprise programs. I might say I think it is an example of how micromanagement of the Congress started AID down that road. In fact those issues were first raised by the Select Committee on Hunger, picked up by the Foreign Affairs Committee in the House, and pushed.

I think you are doing a good job as you move along there. I know I am going to continue to follow your progress there. We felt in some parts of the world that if you didn't work with women in development, like West Africa, you didn't get development, you didn't get emphasis on basic education or children or proper health care. Women are the focus in many areas, and certainly to an extraordinary extent in West Africa, at least that was our conclusion.

I think to some extent our former colleague, Barber Conable took that influence to the World Bank and began an effort to turn those programs around.

I noticed the things that you are doing to try to eliminate discrimination, economic or other types of discrimination, and I noticed in the last 2 years you indicate you have begun an effort to combat more extreme, egregious physical abuse of women by your efforts in Uganda. Can you tell me how that is proceeding? I ask this because I think there has to be a more aggressive role in many parts of the world to deal with the more drastic kinds of physical abuse and not just economic discrimination.

Mr. MCCALL. Congressman, I don't think any place where you have widespread abuses, that the record is one you can take much

satisfaction in or that any progress has been made in. I do believe that the key to getting at these issues is to have the public visibility, number one, and to make it very clear to governments on a continual basis that we just do not feel these policies are tolerable.

Secondly, I think it is critically important for us to focus our efforts in many of these countries on local, indigenous NGO's, many of whom are run by local women's associations, which are critical, in my estimation, to a sustainable development process. I think we send signals to governments if we make choices in whom we fund in these countries and for what purpose.

So I can't tell you whether we have made any progress in Uganda. If we have made progress, it isn't something that leaps out at me saying, we have made significant progress. I think we have to just have an across-the-board full-court-press on these issues.

Mr. BEREUTER. I agree, but also it is a matter of conviction and expression on the part of U.S. personnel. At our last hearing, Congresswoman Schroeder raised her view that perhaps the U.S. Government has representatives on the scene from Ambassadors down to AID workers working in the field and their contractees, are too polite or too concerned about offending local officials to raise our great concerns about some of the practices. She is probably right. She told us that is the sense she takes, that she comes back with from her own visits.

I think it is an issue where we have to have higher commitment from our personnel not to be put off by the view that this is a cultural idiosyncrasy that we just don't understand. So I don't know that you can do any more than comment on it, if you care to. But I did want to convey the concern that she raised and associate myself with that concern.

Mr. MCCALL. Congressman, I think you are absolutely right on that but I think part of the problem is that what I found—what Brian and I have found since we have been down there, a lot depends upon the degree to which the leadership engages itself within the agency on these issues.

Mr. BEREUTER. The leadership of—

WOMEN ARE CRITICAL FOR SUSTAINABLE ECONOMIC DEVELOPMENT

Mr. MCCALL. The leadership of the agency itself. This is not to detract from the past leadership of the agency, but in looking at the strategies of what we will be focusing on, you look at democracy, you look at environment, you look at family planning, health issues, virtually economic development, broad-based economic development across the board—women cut across every one of those issues that are sustainable development problems. And unless we have policies that really do effectively empower and integrate women into the process, we will never achieve the results that we should in the field. We might as well face up to that fact early on.

Right now we are going through a process of rightsizing, of making choices on where we are going to have a field presence and where we are not. And we are making choices based upon the degree to which we can influence the development of that country in a positive and results-oriented process. And that means that the majority of populations who have been marginalized and abused, women in particular, have to be empowered to be able to make a

difference in those countries. Those countries have to allow us to work with those populations.

Mr. BEREUTER. I think when it comes to conveying with conviction our views about this in the country that we are providing assistance, this ought not be a responsibility or function delegated almost exclusively to women. It ought to be men and women representing the U.S. Government so that there is not seen to be a gender bias that is coming through in that. Too often women's rights issues are delegated to women, and perhaps in some societies they need to hear that men in the United States feel that way too.

Mr. MCCALL. I agree totally with that, Congressman. That is an excellent point.

Mr. BEREUTER. Thank you, Mr. Chairman.

Mr. LANTOS. Congressman Smith.

Mr. SMITH. Mr. Chairman, I want to thank you for conducting these hearings. Although I have been in and out as have other Members because of other commitments, this has been a very, very worthwhile attempt to try to focus needed attention on an area of human rights abuse that often goes unrecognized.

Just a couple of comments to our distinguished guests. I would like to first start by saying it is my understanding that the administration is probably poised to issue a check any time soon to the United Nations Population Fund, which I think, you know, I happen to believe that human rights are indivisible, and there are some human rights that everyone feels very afraid to talk about. There is a consensus about those human rights abuses and violations, and people get awarded and applauded for raising and objecting to those, but there are others, kind of like the orphan human rights that are perhaps more controversial.

FORCED STERILIZATIONS AND ABORTIONS IN CHINA

We like to hide under the table and sometimes not talk about them at all. In China, as you well know, there has been the most despicable, outrageous abuse against women with the utilization of forced abortions, not only impacting negatively on their children, but decimating their children with poison darts and dismemberment, but also causing physical, psychological and emotional trauma on those women.

Throughout the entire 1980's and into the 1990's, there has been one organization that has been the chief coverup organization for those abuses, and it is the United Nations Population Fund.

It seems to me that with their executive director, who has been a cheerleader for the Chinese, suggesting that there is no abuse going on, for us to be tendering a check as we are poised to do—and I don't know when that will actually happen, perhaps you can enlighten us on that—it is inconsistent for the Clinton administration to be talking human rights, which you do and do so eloquently, and at the same time providing money to the organization with a fencing mechanism which really doesn't do anything. Money is fungible, we all know, and to say our money is fenced off when it is going to the group that has covered this up for so long and aided and abetted it in my view is very, very immoral.

I would hope that the administration would rethink its position on this. The book will be written, the information someday will be known for all. There are some books that are out there now. Stephen Mosher just wrote another book on the terrible plight of women in the People's Republic of China, trying to face down the pressures to them as a result of the one-child-per-couple policy.

And if you might want to comment on this, because forced abortion to me is an outrage, it is a crime against humanity, we all knew at Nuremburg it was so named, and it is an appropriate name, and yet when I asked Winston Lord, as well as Secretary Christopher, if they would include it in the MFN finding, we got a half-hearted maybe and ultimately there was nothing in the MFN linkage.

Now, with the UNFBA getting funded, any time we turn around, any possible lever that we had, any tangible stick, if you will, to try to get the UNFBA and China to reverse course on this policy has been forfeited.

Now we are talking about raising it in some forum and maybe expressing some concern. But those tangible tools we had at our disposal one by one have been forfeited by this administration.

I hope to God they reverse it, because again, the victims will be the women. Children will die, they will never know. But these women who will suffer the consequences, it seems to me, are the victims, and this administration has turned a blind eye.

Mr. Shattuck.

Mr. SHATTUCK. Well, thank you. You have raised a very important issue, Mr. Smith. I know we have discussed it before. Let me outline for you several ways in which we are approaching the topic.

First and foremost, the Clinton administration has been very clear and outspoken on the subject of condemning, as a gross violation of human rights, forced abortions and forced sterilizations wherever they occur, whether it be China or anywhere else.

U.S. SUPPORT FOR U.N. POPULATION FUND QUESTIONED

We raised this very forcibly at the U.N. Development Program Conference in June, and this was given a great deal of visibility at that time. We have also engaged in very close discussions with UNFPA to assure that the UNFPA have no programs or no engagement in China which directly or, indeed, indirectly supports this process or these gross violations.

We are strong supporters of UNFPA. We think the significance of that organization and its worldwide educational role, in particular, is extremely important in addressing major population issues.

As you know, because we have discussed this before, I will be going to China very shortly. This topic will be among those that I discuss with the Chinese. And, in fact, in the President's report to Congress on the most-favored-nation status conditions, he does identify quite specifically the taking of effective steps to ensure that forced abortion and forced sterilization are not used to implement China's family planning policies.

So it does, in fact—

Mr. SMITH. So to interrupt briefly. MFN would be liable for loss?

Mr. SHATTUCK. Well, they have to show improvements in human rights issues. We are not tying any single issue to the renewal of

MFN, but certainly the improvement in human rights issues is important, and this is one of the areas that the President has identified as of concern to him and his administration. So that is a range of ways in which we are approaching the subject.

We do feel that it is important for us to continue to support and contribute to UNFPA, and we are doing so after having engaged in consultations and gotten written assurance that UNFPA repudiates coercion of any kind in the family planning process. But we are strong supporters of UNFPA and for that reason have made our contribution this year.

Mr. SMITH. Could you just explain "indirectly?" "Because you said directly or indirect supports coercion in China. What would be some examples of indirect and how would that impact upon Kemp-Kasten?"

Mr. SHATTUCK. Well, I am not the lawyer on the case and I am not sure I could give you a very accurate or clear answer to that question, but I think the important point is that UNFPA has committed itself in writing not to support coerced abortions or forced sterilizations anywhere in the world. It is on that basis that we have gone ahead and made our contribution.

Mr. SMITH. If the information that they provide in terms of demographic data helps the central planning committee come up with a quota which is then implemented by means of coerced abortion or involuntary sterilization, is that covered with regard to what the UNFPA has promised the U.S. Government?

Mr. SHATTUCK. I would be glad to supply for the record the written assurance that the United States has gotten from UNFPA. I don't have a copy of it here.

Mr. SMITH. UNFPA for years has, almost in a plausibility-deniability mode, said we don't do the abortions; we don't coerce anyone to have abortions. But they do provide and have provided a substantial infrastructure that has made it possible to hone those targets so that at the very local level it is known how many children are allowed and disallowed, how many children are considered to be not just illegitimate but illegal, thereby providing the means for enforcement because now you have the data to say if we only have—if we have six, we are only allowed four, we exceed our quota. And that, to me, is being part of that line that makes it possible to do it.

So I would hope—I look forward to getting that from you.

[The information follows:]



United Nations Population Fund

European Liaison Office

Palais des Nations
CH-1211 Geneva
Switzerland

8 July 1993

Dear Mr. Atwood,

Further to our discussion in Washington, I am pleased to give you further information on UNFPA's presence in China.

The United Nations Population Fund is unequivocally committed to the principles of voluntarism in its programme of assistance throughout the world. The Fund categorically condemns the use of coercion in any form or manner in any population and family planning programme. Coercion is morally abhorrent and has no place in population and family planning programme. This has always been the UNFPA position and will never change. Furthermore, UNFPA strictly adheres to universally accepted principles of human rights and has always upheld both the principles of the United Nations and the population standards universally promulgated and accepted by the family of nations. The Fund strongly believes that global or national goals can only be achieved if they respect human rights and address the needs of individuals. If any programme deviates from these principles of voluntarism, the Fund would seek to disassociate itself from it.

The UNFPA involvement in China's population programme started in 1979 and the Fund's past and current programmes of assistance to China were approved by our Governing Council, by consensus. The current programme, covering the period 1990-1994, totalling US\$57 million constitutes 0.6 percent of approximately US\$ one billion spent annually by China itself.

Our involvement in China has had many positive impacts. The UNFPA programme has facilitated the Chinese Government and population staff to be conversant with international concepts, policies, instruments and practices in the field of population.

Mr. J. Brian Atwood
Administrator
US Agency for International Development (USAID)
WASHINGTON, D.C. 20523-0001

Other impacts of our programme, *inter alia*, include the following:

1. When UNFPA involvement began in China, the quality and effectiveness of Chinese contraceptives were very poor. Through its support to the modernization of 23 contraceptive factories, the Fund has helped the Chinese to make contraceptives of international standards, of higher quality and of greater safety -- all contributing enormously to the improvement of quality of services.
2. UNFPA's support to China's contraceptive programme has resulted in the availability of a variety of methods and in achieving self-sufficiency in the production of modern contraceptives.
3. UNFPA has assisted in the development of population science and population specialists in China and in linking them with scientists and researchers in other countries, particularly in the U.S.A. Since most of them were trained in Western universities and institutions of higher learning, it has enabled the Chinese scholars, specialists and officials to be familiar with international principles and practices.
4. UNFPA assistance for the development of contraceptive research centres. This has contributed to the development of safer and better methods, not only for China, but for the world. For example, China is now a leader in the development of male contraception and is collaborating with WHO/HRP in this area.
5. UNFPA Programme has focused on the most vulnerable groups and has provided support for the integration of maternal and child health care and family planning in the poorest and most remote 300 counties in rural China. This assistance, which includes safe motherhood, infant care, nutrition, and breastfeeding, and family planning, is provided as a joint effort with UNICEF.
6. In the area of women, population and development, UNFPA has supported efforts to raise the status of women, through improved literacy, skills training and income generation, combined with maternal and child health care and family planning. This programme is a joint effort with the other JCGP members: UNDP, UNICEF and WFP.

While it is obviously impossible to exactly measure or determine the impact of UNFPA assistance, it has contributed to improving the quality and safety of contraceptives, helped

to reduce the high incidence of abortion, improved reproductive health and rights, as well as strengthened the status of women. For instance, UNFPA was instrumental in converting the use of steel ring of IUDs into the much safer Copper T IUDs for all the women, who are using IUDs in China. This has had significant effects on women's reproductive health and on reducing unplanned pregnancies and preventing abortion. UNFPA assistance has also helped improve women's autonomy and status so as to strengthen women's decision-making capacity in all matters, including in reproductive health and in making informed choices in matters of child bearing. UNFPA assistance has contributed to reducing infant as well as maternal mortality.

In connection with its assistance, UNFPA has had constant dialogue with Chinese officials on the issue of reproductive freedom. UNFPA has carefully monitored its projects to ensure their adherence to universally accepted standards of human rights. UNFPA has discussed with Chinese authorities the one-child policy. The Chinese Government has assured that the policy is a voluntary one with a great number of exceptions to the one child policy, particularly in rural areas and for minorities. The authorities have underscored that coercion is not allowed but that some cases of "unsatisfactory performance" by individual cadres of family planning workers do exist and that these have been punished. Indeed, reports of alleged coercion have generally come from Chinese newspaper sources.

Recently, my Deputy, Mr. Joseph Van Arendonk visited China to discuss with some senior Chinese Officials this question. He met with the Vice Minister of Foreign Affairs, Mr. Liu; the Minister of Foreign Trade and Economic Cooperation, Mrs. Wu; the Minister of State Family Planning Commission and State Counsellor, Mrs. Peng Pelyun and the Vice-Minister of the State Family Planning Commission, Mrs. Peng Yu. The discussions took place over a period of 10 days and at the conclusion of these discussions, the State Family Planning Commission stated in writing the following:

"The Government has reiterated that the principle of combining the state guidance with the masses' voluntarism in implementing its national family planning programme is in conformity with the World Population Plan of Action, which states that 'All couples and individuals have the basic right to decide freely and responsibly the number and spacing of their children and to have the information, education and means to do so; the responsibility of couples and individuals in the exercise of this right takes into account the needs of their living and future children, and their responsibilities towards the community.' In implementing its national family planning programme, the Chinese Government has always been opposed to coercion."

China has a very serious population problem and consequently the Government will continue to request cooperation from its people to lower their fertility, but acceptance of the family planning goals is strictly voluntary.

The State Family Planning Commission stated that in order to continue and further strengthen the fruitful cooperation between UNFPA and China, the State Family Planning Commission will provide UNFPA with information on the implementation of the Chinese family planning programme and will keep UNFPA informed about corrective action taken in cases of any reported abuse so as to ensure that the Chinese family planning programme conforms with the principles of the World Population Plan of Action, specifically in respect to voluntarism.

They also stated that the State Family Planning Commission is assisting the provinces with a review of existing provincial rules and regulation on family planning, and hopes to complete this review within the next 18 months. Based on this review, the SFPC will provide advice and recommendations on how to improve these rules and regulations so that they will, fully reflect the national policy and the principles of the World Population Plan of Action.

The SFPC will also in consultation with UNFPA, select two counties for the establishment of population and development projects using an integrated approach. The project will embody recognized international standards in the field of family planning.

It will enhance quality of family planning services within the context of maternal and child health services. It will improve information, education and communication including interpersonal counselling which would enable women and couples to make informed and responsible family planning decisions. It will guarantee a broader mix of modern and reliable contraceptive methods and it will integrate with other development interventions, in particular activities aimed to raise the role and status of women in order to ameliorate the traditional attitudes that foster inequality of women.

The SFPC has also agreed to have working level consultation with UNFPA when either party deems it necessary.

From these agreements, you can conclude that indeed the Chinese Government is willing to address seriously the problem of alleged or reported abuses, and with UNFPA's assistance, to make improvements, where necessary. While policy shifts and programme modifications will be introduced at the national level, their implementation will have to be at the provincial and local levels. Given the large population size and vast territory of China and that it has only recently embarked upon a process of liberalization of its economic and

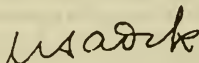
political system, it will take some time for the proposed changes to become fully effective. It is indeed an arduous and difficult task. However, we believe that the Chinese Government is committed to such changes and we therefore, hope that over the next one and half year, we can clearly see improvements. The Minister of Foreign Trade and Economic Cooperation has stated that the Government will loyally try to implement the commitment it has given to the UNFPA during the visit of my deputy.

As you know, the China programme was discussed intensively during the most recent UNFPA Governing Council meeting. Indeed the U.S. delegation played an active part in these discussions. This annual meeting is an excellent forum and mechanism to review and comment on all UNFPA funded programmes.

I hope the above clarifies to you the UNFPA position on its support to the population programme in China.

With warm personal regards,

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Nafise Sadik', written in a cursive, flowing style.

Nafise Sadik
Executive Director

Mr. SMITH. If I could ask one additional question, Mr. Chairman, and, again, I would strongly urge the administration to rethink providing money to an organization that continues to do this and I know we will have this discussion again in the future.

In her article, "Crimes of Gender", Lori Heise, in March of 1989, wrote a piece in which she pointed out a number of gender crimes, not the least of which is the increasing use of sex-selection abortions as a means of favoring boys over girls, destroying children who happen to be girls in utero. She makes the point of 8,000 abortions performed in a clinic in Bombay, for example, 7,999 were found to be female. She also points out one study estimates between 1978 and 1982, 78,000 female fetuses were aborted in India after sex determination tests.

As I think you well know, there have been major exposes on U.S. television about how sonograms and ultrasounds have been used to discover the gender of a particular unborn baby, and it is like a search and destroy mission and if it happens to be a girl, she is summarily executed.

I was wondering if the administration has a position regarding sex-selection abortions as a gender crime or as a gender discrimination when the exclusive reason for the abortion happens to be that it is a girl.

DEFINING HUMAN RIGHTS VIOLATIONS

Mr. SHATTUCK. When there is a government policy promoting sex-determined abortions in that formal governmental sense, there is no question that there is a deep concern for human rights.

The issue of governmental policy is a complicated one to determine whether or not some of these practices are going on outside of any formal governmental organization or institution. But certainly the subject of sex-determined abortions touches very deeply on potential human rights issues in the event that government is directly involved.

Mr. SMITH. If government were not directly involved, would you conclude it to be a human rights violation?

Mr. SHATTUCK. Human rights violations, in my view, flow primarily from the acts of government. The actions of private parties are not within the realm of—I am obviously giving a very general statement that we could discuss in a long philosophical discussion. But generally, it is the acts of government, of those in authority, who are coercing individuals to perform in a certain fashion.

Mr. SMITH. If I could beg to differ. Part of our discussion during these past few days has been on genital mutilation, which may or may not be directed by a government but certainly is a gross violation of human rights. Dowry burnings are not something that is decreed, I don't think, out of a government entity, although they may look askance when it is happening, which is abominable.

Mr. LANTOS. Will my friend yield for a moment?

Mr. SMITH. Certainly.

Mr. LANTOS. I wonder if you would want to rethink your last answer, Mr. Secretary, because, clearly, the most outrageous violations recently in Germany and elsewhere based on ethnic origin, for instance, against the Turkish population or against gypsies or others, were not governmental; they were specifically denounced by

the German Government and other governments, yet we clearly designate them as human rights violations.

The far right wing skinhead fascist mobs which burned down the home of a Turkish family where two little girls and a young woman were immolated as a result of this was clearly not a government action, yet it was a gross violation of human rights, criminal violation of human rights.

Mr. SHATTUCK. I would, of course, agree with that. I would say not so much amend my answer, as to broaden the point, and say that it is the obligation of government to promote and protect human rights. And when there are gross violations that are violations under international human rights standards as well as in this case violations of criminal law within the country in question, it is the obligation of government to do something about that process.

Mr. LANTOS. But I don't think there is any dispute as to whether it is the obligation of government to do something about it. But even if these acts are specifically contrary to government policy, and certainly the killing of Turkish residents in Germany is against the policy of the government of Chancellor Kohl, nevertheless we view these as human rights violations, do we not?

Mr. SHATTUCK. Yes, that is certainly true, Mr. Chairman.

Mr. LANTOS. I thank my friend.

Mr. SMITH. Just to pick up on that and restate the question, then, again, I mean there are some governments that would consider sex-selection abortions to be against their policy. There are some both in Europe and elsewhere in the world. But from the administration's point of view, would you construe that to be a human rights violation, gross or otherwise?

Mr. SHATTUCK. Yes, I think a systematic use of sex-selected abortions and a discriminatory approach toward that process, certainly, as I said in my earlier answer, raises very serious human rights issues.

Mr. SMITH. So it is a human rights violation?

Mr. SHATTUCK. It is a human rights violation.

Mr. SMITH. I would hope you would even take out the word "systematic," because one of the things that is a hallmark, obviously, of our country, if one individual's rights are violated that individual is certainly entitled to redress. And if one girl is killed simply because she is a girl, that concerns me and, hopefully, it concerns the administration as well and it will speak up on it, because it is growing in its prevalence even in this country.

The *New York Times* had an article, of all days on Christmas Day, about 4 years ago, in which they talked about the growing number of sex-selection abortions in this country, which are perfectly legal, regrettably, but they are growing, and sonograms—that marvelous diagnostic tool—is being misused to find these baby girls and to destroy them.

I thank you for your answers and I look forward to working with the administration on these issues.

Mr. LANTOS. I want to thank my friend and I know, Mr. Secretary, both of you have to leave and we have a vote in a couple of minutes, so I would just like to wrap up with a couple of questions and one comment.

My friend from New Jersey and I don't see eye to eye on some issues in this field, obviously, but we do see eye to eye with respect to the practice of forced abortions, which we find unacceptable and a cause for designating a country as a human rights violator if in fact it is the policy of the government to engage in forced abortions or forced sterilization. And it was the efforts of my friend from New Jersey that resulted in incorporating that provision in the congressional resolution that opposed China having the Olympics in this year 2000. So there was an overwhelming expression of congressional sentiment on this issue.

GRANTING ASYLUM FOR GENDER-BASED PERSECUTION

I only have one final question, and I want to thank both of you for excellent statements. Two days ago the *New York Times* ran an article that focused on the increasing number of women who request political asylum in the United States in order to escape persecution that takes the form of sexual torture, including gang rapes.

What is the State Department's policy on this issue? Because INS has not been very forthcoming in providing these women with asylum.

Mr. SHATTUCK. Well, I read that article with great interest too, Mr. Chairman. The issue of asylum and its case-by-case adjudication, depending on whether the individual is able to demonstrate a well-founded fear of persecution, is evolving a set of standards that will, in some cases, no doubt, reach exactly the kind of egregious conduct that you are describing.

The statute, the Refugee Act that establishes these standards for asylum adjudication, of course, now lists five categories under international refugee law which entitle individuals to asylum under international refugee standards. They are race, religion, nationality, political opinion, or membership in a social group that is subject to gross discrimination.

The courts have gone in several different directions. I am not an expert on the law in this area, as to whether or not a gross violation of women's rights of the kind that you describe would fit within that category of social group, Mr. Chairman. This is certainly a subject that is always open to the Congress to revisit. And it is my opinion as a human rights specialist, that someone who shows a well-founded fear of persecution and who is the victim of not only gross violations in terms of physical violence but also politically motivated physical violence, would be a very good candidate for an asylum.

Mr. LANTOS. Well, I certainly would think so and I am very happy to hear your agreement.

Mr. SMITH. Would my good friend yield?

Mr. LANTOS. Be happy to yield.

Mr. SMITH. Yesterday, I spoke to Janet Reno, Mrs. Reno, regarding a letter that was sent over by a number of us, including Howard Berman and others, who do not share my view on such things as the right to life issue, asking that the regulation or rule dealing with asylum for women fleeing China, with the well-founded fear of forced abortion, and we have yet—and that was sent in early

summer—we have yet to get a response from her or from the administration.

And what complicates this, or what has prompted this I should say, is that in early January the final rule was yanked from going into effect, which had the overwhelming backing—I believe it was unanimous on the Senate side and it was a 3 to 1 margin on the House side—saying that this ought to be a criteria for which a woman, or perhaps a man with sterilization, forced sterilization, might come to our shores, if they can demonstrate it, to get the asylum.

That policy seems to be in limbo and now we are approaching almost a year in office, and I would hope the administration would reinforce it, let it go into effect again or at least let us know exactly where we stand. If we have to take corrective action here, we will certainly try, but I would hope we could get a clear beat on that.

Thank you, Mr. Chairman.

Mr. LANTOS. The ring saved you, Mr. Secretary. We have to run and vote. I want to express to all three of you my appreciation for appearing before this subcommittee. It was an extremely valuable and substantive hearing. The committee stands in recess.

[Whereupon, at 4:05 p.m., the subcommittee was adjourned to reconvene at 2 p.m. on Wednesday, October 20, 1993.]

HUMAN RIGHTS ABUSES AGAINST WOMEN

WEDNESDAY, OCTOBER 20, 1993

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
SUBCOMMITTEE ON INTERNATIONAL SECURITY,
INTERNATIONAL ORGANIZATIONS AND HUMAN RIGHTS,
Washington, DC.

The subcommittee met, pursuant to call, at 2 p.m., in room 2200, Rayburn House Office Building, Hon. Tom Lantos (chairman of the subcommittee) presiding.

Mr. LANTOS. The Subcommittee on International Security, International Organizations and Human Rights will come to order.

Today, the subcommittee will explore more fully the role of the international community and grassroots organizations in combating gender-based human rights abuses. This hearing is the third in our series of hearings on human rights abuses against women. The enormity of the human rights abuses against women is such that we can afford nothing less than a comprehensive strategy that marshals the efforts of the entire world community. Critical to this endeavor is providing women with the means to break the cycles of violence and poverty that relegate women to almost subhuman status in far too many countries. Not only is such action against gender-based discrimination morally right, but it is absolutely critical for the advancement of communities worldwide because women are the key to sustainable economic development.

In his testimony before this subcommittee just a few weeks ago, Assistant Secretary of State for Human Rights, John Shattuck, outlined an ambitious plan presented at the U.N. World Conference on Human Rights in Vienna last June to integrate women's concerns into all aspects of our country's foreign policy and throughout the United Nations system. Secretary Shattuck reaffirmed that a key goal of U.S. foreign policy is improving the political and economic conditions of women worldwide. To that end he has proposed a substantial increase in resources available for promoting women's civil and human rights.

As previous testimony before this subcommittee has made abundantly clear, however, very little has been done to break down the formidable political, economic, and cultural barriers that have long thwarted the advancement of women. Moreover, at the time of Secretary Shattuck's testimony before this subcommittee, many of my colleagues expressed deep skepticism, which I share, regarding the totality of our Nation's commitment to fight gender-based human rights abuses and to develop future strategies to deal with offending nations.

To give a sense of the dimensions of the problem, let me cite a few facts:

The number of women now living in absolute poverty around the globe rose over the last two decades by 50 percent to some 565 million women. This figure is staggering. Over half a billion women are living in abject poverty as we hold this hearing.

Women continue to be denied basic education which locks generations of females into a cycle of discrimination. The number of illiterate women has steadily risen to 597 million; women now constitute two-thirds of the world's illiterates.

Selective malnutrition and inferior medical attention greatly increase the probability that women will suffer crippling disabilities, sustained illnesses and a greatly shortened life-span.

Discrimination in all its forms, including sexual harassment, unfair dismissals, demotions, and wage cuts against women in the workplace is pervasive. Those jobs given to women are generally lower skilled and lower paid regardless of their talents and qualifications.

Equally troublesome, women remain outside the halls of political power. Women constitute just over 10 percent of the world's parliamentary representatives and less than 4 percent of cabinet level or other top executive positions.

Due to the unflinching efforts of many grassroots women's organizations, a strong international consensus has emerged that women's rights are inalienable, integral, and an indivisible part of our universal human rights agenda. The actions of these groups have also proven beyond a doubt that we can no longer afford to ignore the contributions of 50 percent of the human race toward solving global problems such as ethnic violence, urban crime, environmental degradation and wrenching poverty.

Today we hope to examine the extent of cooperation between grassroots groups and U.N. organizations and how such ties can be fostered and institutionalized.

We are privileged to have with us today three outstanding leaders in the struggle for women's rights:

First, our former distinguished colleague in the Congress, Geraldine Ferraro. No one has done more in the United States and abroad to focus attention on women's issues than she has. I had the privilege of sitting next to her in the Government Operations Committee where we served together.

While in Congress, Congresswoman Ferraro spearheaded efforts to gain passage of the Equal Rights Amendment. As a District Attorney in Queens, she formed the Special Victims Bureau which supervised the prosecution of sex crimes, child abuse and domestic violence. As a private citizen, she continues her strong advocacy of women's issues, including breast cancer research and planned parenthood. She also has served with great distinction as a member of our Government's human rights delegations to the U.N. Human Rights Commission in Geneva last February and to the U.N. World Human Rights Conference in Vienna last June. Ms. Ferraro's unstinting efforts and eloquence over the years has made clear that such issues transcend gender and racial lines.

Secondly, we will hear from Kathryn Cameron Porter a distinguished fighter for human rights. Kathryn is a dear friend, whom

I greatly respect and whose friendship means a great deal to my wife, Annette, and to me. Kathryn and John Porter and Annette and I established the Congressional Human Rights Caucus over a decade ago, and I know from firsthand experience her unshakable commitment to promoting the rights of women.

Before we hear from these two witnesses, we will also have the pleasure of hearing our colleague, a distinguished new Member of Congress, Congresswoman Lynn Woolsey. Congresswoman Woolsey is my friend and neighbor from California, and she brings credibility and compassion to this issue from her own personal experiences. Her incredibly successful climb from a struggling mother of three on welfare to an elected Member of Congress demonstrates the resiliency of the human spirit. Congresswoman Woolsey's advocacy for the ratification of the Convention for the Elimination of All Forms of Discrimination Against Women underscores her commitment to women's rights. We look forward to her insightful testimony and we invite her to join us on the dais after we have heard from her.

Before I recognize our first witness, I would like my to ask my distinguished colleague from Nebraska, Congressman Doug Bereuter, the Ranking Republican Member of the subcommittee, for any opening remarks he would care to make.

I would like to express my appreciation to Kelly Fawcett our Legis Fellow, Beth Poisson and Jo Weber of the committee staff for doing an outstanding job on this hearing, along with the Republican staff member Mike Ennis, our intern and Alex Arriaga from the Congressional Human Rights Caucus.

Congresswoman Woolsey, we are delighted to have you. You may proceed any way you choose.

STATEMENT OF HON. LYNN C. WOOLSEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Ms. WOOLSEY. Thank you, Mr. Chairman.

I want to begin by commending you for your dedication to all human rights issues, but especially for this series of hearings.

I want to say how thrilling it is to be here with one of my heroes, one of the women who has paved the way for women in political service and who has focused the world's attention to the plight of women in Bosnia—Geraldine Ferraro. We owe her a great debt.

THE IMPORTANCE OF THE WOMEN'S CONVENTION

Mr. Chairman, I am here today to stress the importance of the United Nation's Convention on the Elimination of All Forms of Discrimination Against Women, or CEDAW, and to appeal to Members of this committee and others to urge the Senate to ratify the treaty when it is submitted by the President.

The Convention holds governments responsible for condemning and working to eliminate various forms of discrimination against women. Countries who ratify the treaty must: One, include the principle of equality between the sexes in their constitutions; two, adopt laws and ordinances prohibiting all discrimination against women if they don't already exist; three, work to prohibit discriminatory practices against women by individuals, organizations, businesses, and other groups; and four, countries must take measures

to include and advance women in political, economic, and cultural arenas.

The position of the United States, as an international champion of human rights, has been jeopardized by its failing, for well over a decade, to consider and ratify CEDAW. This is despite the fact that, as of today, over 120 other countries have done so.

The refusal by the United States to lend its name to the document has sent out a message to the world that we are unwilling to hold ourself publicly accountable to the same basic standards of women's rights that other countries apply to themselves. This is despite the fact that, since Federal and State law already prohibit many forms of discrimination against women, the United States could ratify the Convention without changing domestic law.

I introduced my bill, H. Res. 38, urging the President to complete review of the Convention when I first came to Congress earlier this year because I believe it is vitally important for the administration and the Senate to deal expeditiously with CEDAW and to demonstrate our serious commitment to protect the rights of women, both at home and abroad.

I was pleased to learn of Secretary Christopher's promise, at the June 1993 World Conference on Human Rights, to move on CEDAW. I commend the administration, and urge prompt action because of the timeliness of this matter.

One of the greatest benefits of U.S. ratification of CEDAW is that it would allow this country to seek a seat on the Committee on the Elimination of Discrimination Against Women, established under the Convention, which considers individual countries' progress in implementing the treaty.

I believe it is critical for the United States to play a role in crafting implementation policies under the CEDAW Convention. I note this especially in light of the fact that Bosnia is the latest signatory of the Convention. The United States has a vital opportunity to help shape the laws and regulations being established in such newly emerging countries.

It is imperative that the United States has a voice at the table as it relates to protecting both our Nation's interests and the broader interests of women worldwide.

Before I close, Mr. Chairman, I would like to state my support for Representative Snowe's and Representative Berman's efforts to require the State Department to appoint a Senior Advisor on Women's Human Rights to the Human Rights Bureau. Although sexual violence committed in the course of the ongoing conflict in the former Yugoslavia has received a great deal of attention, rape as a tactic of war in conflict zones continues to escape international censure.

Clearly, if the United States is to have a real and lasting impact on reducing human rights abuses against women, it needs a senior official who would work full-time to advocate the systematic and thorough integration of women's human rights into all aspects of U.S. foreign policy.

I look forward to working with you, Mr. Chairman, to advance the cause of women's equality, and to end the abuses aimed at women worldwide.

I thank you for the opportunity to testify in support of immediate ratification of the Convention on the Elimination of All Forms of Discrimination Against Women, and commend you on your commitment to eliminate human rights abuses against women.

[The prepared statement of Ms. Woolsey appears in the appendix.]

Mr. LANTOS. Thank you very much.

If you would join me up on this side of the table, I would be most grateful. If I might ask two other distinguished witnesses to come up to the table.

While you do, let me just mention, Congresswoman Woolsey, that you indicated that Bosnia is the latest signatory to the Convention.

You will be interested to note that just a couple of weeks ago when President Izetbegovic was here in Washington, it was my privilege to take him through the Holocaust Memorial Museum where we specifically discussed the unimaginable atrocities perpetrated against women during the Holocaust that the museum bears such eloquent witness to.

Before I call on Congresswoman Ferraro, let me correct an oversight of mine because I did not recognize Karen Davis of the Human Rights Caucus for her invaluable assistance in this hearing.

Gerry, we are delighted and honored to have you. Your prepared statement will be entered in the record in its entirety. You may proceed any way you choose.

STATEMENT OF HON. GERALDINE FERRARO, FORMER REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Ms. FERRARO. Thank you, Mr. Chairman.

Let me start by congratulating you and the Members of the subcommittee for holding these hearings. They are a most timely follow-up to the work done last year at both the meeting of the Human Rights Commission in Geneva and at the World Conference in Vienna.

Only if Congress puts some teeth into our advocacy of both of those fora will the world community begin to take notice that women's rights are human rights.

Thank you for your leadership.

Mr. Chairman, I have had an opportunity to read the testimony of previous witnesses and I am delighted to see that a great many of my concerns have already been addressed.

I join my friends at Human Rights Watch, at the International Human Rights Law Group, Population Council, Secretary Shattuck, in their eloquent statements of the agonizing problems confronting women around the world.

I also join them in calling upon Congress and the Clinton administration to make women's rights and issues a high priority in every area in the formulation of foreign policy.

I would like in my own few minutes here to take a slightly different tact and emphasize one area where new and energetic enforcement of human rights can and must play a major role. That has to do with U.S. efforts to promote world development.

ECONOMIC DEVELOPMENT REQUIRES THE PARTICIPATION OF WOMEN

The condition of women in any country is critical to that nation's economic status. Women in developing countries grow about 80 percent of the food and raise half of all the livestock. Women handle the marketing of most food and the preparation of nearly all of it. Women are the ones who find medical care for their children or who don't find it. It is women who put their children in school or keep them home. It is women, overwhelmingly who look for ways to limit the number of babies they bear or who do not know that such ways exist.

Mr. Chairman, in U.S. efforts to promote agriculture growth, efficient marketing, nutritional advances and better medical care, women cannot be ignored. In U.S. efforts to promote family planning and to slow population growth, women must be brought fully into the processes.

Study after study has found that the education of women is the single most effective way to help a community to grow and prosper.

The World Bank is only the latest organization to document the fact that educating women, even a little, results in a lower infant mortality rate, better family nutrition and better overall family health. Fewer people become sick. More children go to school.

As more children survive, fewer need to be produced to guarantee the future, and where family planning information and technology are available the birth rate declines.

Loans to women's groups bring the highest rate of success, have the highest rate of repayment and the lowest rate of default. Over and over again, we hear that women take a loan of less than \$1,000 and turn it into a thriving small business.

Where women have some understanding of their environment, they are fierce in its defense. Women deal every day with the reality of tainted water or having to collect animal dung for fuel because the trees have been burned down, and with tending crops that are poor because the dung should have been used for fertilizer.

Where women know that polluted water makes their babies sick, they pressure local officials to clean it up. When they are given alternatives in fuels and in fertilizing techniques, they are eager to do what is best for their families. Again and again, when women have some education, some technical skills, some sense that the future can be molded, they invest in that future, and if that isn't economic development to have half the world's population thinking this way, I just don't know what is.

This is all so obvious. You might ask what has taken us so long to notice it. The answer is simple. Women are too often denied the right to education. They are not permitted to learn and to make informed choices about reproduction. They are denied the right to vote or work, to hold public office.

In some cases, they are even denied the right to meet in groups to discuss their problems, appear in public, to inherit or hold property, to obtain loans or to start their own business. They are routinely beaten, raped and murdered and the crimes go unpunished simply because they are only women.

Where women are chattels of men, where they are forced into early marriages and treated by breeding machines, where they are

routinely abused physically in societies that tolerate that abuse, then they are the agents of environmental damage and social backwardness.

But to liberate the talents of the world's women to unleash all that energy, how could it help but lead to economic growth?

POLICY RECOMMENDATIONS

There are several steps I would like to see taken in the near future. The first is that Congress and the Clinton administration put the promotion of women's human rights at the center of U.S. aid programs, as the single most effective way to promote long-standing U.S. goals in the developing world.

Specifically, I support the provision in the pending State Department authorization bill that would install a permanent advisory position on women's rights within the Office of the Assistant Secretary for Human Rights and Humanitarian Affairs.

In conference, I would hope that the House language would be restored requiring the Congress to be kept informed on progress toward appointing such a person as well as language describing the duties of the office. This office should be highly visible and highly articulate in making sure the needs of women are considered in everything the State Department does.

I concur fully with Congresswoman Woolsey's view on that issue. For example, the effects on a nation's women should be considered whenever the Congress and the administration make decisions on bilateral security assistance, on programs to improve the administration of justice in other nations, on trade benefits and on initiatives to promote democracy abroad.

When the United States is deciding on loans and projects planned by multilateral financial institutions and the United Nations provisions aimed specifically at helping women must be required before those loans or projects are improved.

It goes without saying that the United States should ensure that when any government's human rights record is assessed, its treatment of women must be evaluated in all fields, civil rights, political life, economic affairs, social customs and cultural norms.

No country should be allowed to justify discriminating against women by claiming cultural differences. Remember, that is the exact same argument that South Africa once used to justify its treatment of blacks.

I was honored to be a delegate to the U.N. World Conference on Human Rights in Vienna last June. There the U.S. Delegation upheld the principle that human rights are universal and indivisible, and therefore, they apply equally to women and men. That Conference declared that abuses of women are violations of women's human rights.

I must tell you that I was terribly impressed by the leadership of our delegation. Secretary Shattuck was absolutely wonderful in dealing with the issues that came before the conference and specifically in dealing with the section that dealt with women's rights.

It really made me feel quite good because looking at him and listening to him, I was rather convinced that we would never again hear a Secretary of State or any other employee of the State Department echo what Lawrence Eagleburger, who just 1 year ago

this month said, when he excused Kuwait's decision to deny women the right to vote, he said Kuwaitis "do come from a different culture and their views are substantially different from ours." Evidently culture took a back seat to survival when our female military personnel were needed to help release Kuwait from Saddam Hussein's fierce grip last year.

Mr. LANTOS. If you will allow me to interrupt you for just a moment. Days after the termination of the Persian Gulf War, a group of us visited Kuwait and met with the Kuwaiti leadership. The first item we raised was the outrageous treatment of women in Kuwait.

We received a whole series of unfulfilled promises about the dramatic improvements that were supposed to have taken place. We shall stay on that issue.

Ms. FERRARO. Unfortunately, they are still occurring today. It is not only the Kuwaiti women, it is also the women who are employed there or working in homes there, many of whom are stuck there and cannot get out of the country.

Mr. LANTOS. Absolutely.

Ms. FERRARO. When the United States works through AID and the National Endowment for Democracy to build democratic systems in the former Soviet Union, the Newly Independent States, I hope at that time we would also look to make sure that women are empowered to vote, speak out in public, to work for candidates of their choice and become candidates themselves and to hold political office.

A count of women holding office is really not enough. The Office of Women within AID should be central to these efforts and to everything else AID does.

In addition, the United States should promote economic equal access to getting credit and to the right to inherit and manage property. Women's groups should be consulted on these efforts. That is one of the incredible things at Geneva, how many inputs the NGO's had into the final deliberation and how strong it was because of their expertise.

It is also critical that the United States pay back its U.N. dues and when doing so, it should stress the value of increased funding for the human rights center, which coordinates and monitors the U.N.'s human rights enforcement efforts.

Second, I applaud the Clinton administration for announced intention to seek ratification very soon of the crucial U.N. Convention on the elimination of all forms of discrimination against women. I stress the "very soon."

I also endorse ratification of the other pending agreements, the Convention against Racial Discrimination and the economic covenant, because gender discrimination is linked to racial and ethnic as well as to poverty. All of these things strip people of their rights.

In addition, I have written President Clinton, and to several Senators who have not yet signed on Senator Bradley's resolution, urging swift ratification of the U.N. Convention on the Rights of the Child. This pact would affirm the rights of children worldwide to primary education and basic health care. It has been ratified by 146 nations, making it the most widely ratified of all the pending human rights agreements. The United States should join this list.

Third, I commend the Clinton administration's leadership in working on the creation of an International War Crimes Tribunal on the terroristic acts that have occurred in the former Yugoslavia. As you know from my prior testimony before the Human Rights Caucus, I am anxious that the tribunal address the systematic rape of women and children which is being used as a strategy of war in that part of the world.

Last year, we were all horrified to learn the existence of "rape camps" in which women and children were gang raped and raped repeatedly. Many endured forced pregnancies. The world needs reminding that this systemic use of rape as a political weapon is only the latest and most extreme case where rape occurs in war time.

The practice is as old as war itself, but only rarely have governments denounced it as the brutal crime of violence that it is.

Fourth: Now that we have denounced wartime rape in Bosnia, let us make sure we do not ignore the rape of women, civilians, soldiers, and refugees in conflicts around the world.

In formulating new policies and legislation on refugees and the granting of asylum, Congress and the administration must give special attention to the needs of women, women and children make up 80 percent of the refugee population, so refugee policies should take into consideration needs of women from protection against rape and abuse by guards and by other refugees. Sexual abuse, the denial of civil and other rights and violence against women are violations of their human rights and must be considered as such in making asylum decisions. Those who question women must be trained for sensitivity to these issues, and any effort to expedite refugee and asylum processing should act cautiously in judging women's claims.

In closing, Mr. Chairman, I want to stress the point that enforcing women's human rights is a means to an end. The end is complete humanity and personal dignity for half the world's population. If the State Department and Congress work for that goal, they will inevitably achieve many other goals of development and justice and peace that have eluded a foreign policy that until this time has noticed mainly the other half of the planet's people.

Again, I thank you for holding these hearings. I appreciate the opportunity to appear before you and I would be happy to answer any questions you might have.

Thank you.

[The prepared statement of Ms. Ferraro appears in the appendix.]

Mr. LANTOS. We are most grateful to you, Congresswoman Ferraro, for your eloquent but very disturbing testimony.

I want to welcome Congresswoman Olympia Snowe to the panel, and ask if she has any opening statement?

I would be most grateful if Congressman Porter would join me at the table.

Ms. SNOWE. I agree with that.

Thank you, Mr. Chairman.

I want to welcome our panelists for their contribution in fighting what I consider to be systematic abuses against women worldwide. The worst part of it is that it is often condoned and overlooked by

many governments, in fact, it is sanctioned by many governments in terms of discriminatory attitudes and actions.

I want to welcome both of you, my former colleague, Geraldine, a friend and a valued member of not only Congress, but also the Congressional Committee on Women's Issues who fought so long and hard for women's rights here in this country and worldwide. Kathryn Porter has done so much as well, I know, in even bridging the gaps between Greek Cypriot and Turkish Cypriot women. I applaud both of you for what you have done and also for your contributions for this effort.

Clearly, this is a very serious and critical problem that needs to be addressed. We have to achieve recognition at the highest levels in order to address this problem. That is why I thought it was so important to have a women's advocate in the Bureau of Human Rights. Because we really need to provide greater recognition to this problem and only through our policy levels can we, I think, achieve differences in our policies in other countries and in changing their attitudes and influencing their policies.

I wanted to commend you for what you have done and your contributions. It is nice to see you both again.

Mr. LANTOS. Thank you very much.

Congressman Porter, would you say a word or two?

Mr. JOHN PORTER. Mr. Chairman, I did not intend to join you. I just wanted to be an observer here.

I want to commend you and the subcommittee for holding these very, very important hearings, focusing on the rights of women and human rights abuses against women. I think that it is very, very much to be commended, that you brought Gerry Ferraro here to testify and give her views on this very important subject, as well as Lynn.

I am looking forward to hearing your next witness.

Mr. LANTOS. You are in good company.

Before I call on my next witness let me just say that no one in the Congress has done more for human rights than John Porter and we are honored to have you.

Our next witness is Ms. Kathryn Cameron Porter, Director for Gender and Social Policy Programs of Conservation International.

Your prepared statement will be entered in the record in its entirety. You may proceed any way you choose.

STATEMENT OF KATHRYN CAMERON PORTER, DIRECTOR, GENDER AND SOCIAL POLICY, CONSERVATION INTERNATIONAL

Ms. KATHRYN PORTER. Thank you, Mr. Chairman.

It is a real honor for me to be here today.

Like the previous speakers, I want to commend you for having the farsightedness to hold these hearings and to raise this issue to a level in which people will listen and perhaps learn and adjust our policies.

My real goal here today is not to speak for myself, but to speak for the women that I work with in the field. I spend about half of my time in the developing world working on the ground in grass-roots efforts trying to help women achieve some degree of financial independence, something I call "conservation-based empowerment."

Today I will focus on three areas: First, I will explain what I define as conservation-based empowerment. Second, I am going to look at the linkages between our international institutions and effectiveness on the ground, grassroots efforts. Third, I have some specific recommendations which I think might help our foreign assistance funds to be better implemented and utilized.

We all know of the crises in the natural world. It is easy to see how society and the natural systems of the world are flowing together in a way that is altering both the character of the earth and the pallet of human possibilities. But there really is hope for these challenges in front of us.

CONSERVATION-BASED EMPOWERMENT

In countries like Ecuador, Indonesia, and Madagascar, strategies that improve women's status are supplying the long sought link between improving the economic lives of the world's poor, stabilizing local populations, and conserving threatened ecosystems.

"Conservation-based empowerment" is a way to empower women through conservation and improve conservation and natural resource management through women's empowerment.

Women are the primary natural resource managers and agriculturalists in much of the developing world. Throughout many rural areas, women's days are filled with physically demanding activities like collecting firewood, hauling water, providing and preparing food, and caring for the children, the sick and the elderly.

Essential to family welfare, these tasks bring women into direct daily contact with local forests and biodiversity. Women have a great deal at stake in maintaining these ecosystems, because when these resources are degraded, women travel longer distances and work harder to maintain their families on a comparable level.

Women are also the linchpins in reducing poverty, one of the leading causes of ecosystem destruction. The pressures on families to survive in difficult situations often compel them to employ unsustainable practices for short-term gain, and this problem is exacerbated when families don't have title to the land and resources on which they depend.

Many women from both rural and urban areas perform work for wages in addition to their household responsibilities. Much of this labor occurs in the informal sector which is characterized by meager wages and low productivity.

However, even this limited income has profound effects on the health and well-being of these women and their families. Many studies have documented that when women have control over an income, whether it be in cash or in needed goods, their children have higher survival rates, better levels of health and nutrition, and more years of education.

The reason is very simple: Women consistently spend more time and money and invest it more wisely in their children's welfare than do their male counterparts. I see this firsthand in the programs which I am working on in the field. As poverty and population growth have mutually reinforcing effects, combating poverty is one of the most promising ways of achieving a substantial impact on population rates.

The connection between an improved family economy and reduced fertility rates is especially strong when women have access to cash and noncash incomes. This has been borne out in the U.N. World Fertility survey which showed conclusively that when women work for wages, they have smaller families and a better quality of life.

This differential occurs because women who are economically viable tend to rely less on their children for economic inputs and security, and they are also able to exert greater control over not only their reproductive lives but other options without influence or pressure from outsiders.

I have seen this dynamic in what I am doing in my groundbreaking program at Conservation International. It is called a "feet in the mud, head in the sky" approach to conservation.

Half of what I do is work with local women in the field. Then I bring that message back to policymakers both in Washington and in other capital cities.

As we have seen, women are the guardians of biodiversity and the nurturers of the future. This dynamic has been largely ignored by international institutions and U.S. foreign assistance programs, which have been ineffective in understanding and designing programs that include the special needs of women.

If true progress is going to be made in terms of our foreign assistance programs, women's voices must be listened to and incorporated into these programs.

Reams of rhetoric aside, it is only recently that the needs of women have been considered in such basic areas as human rights. I compliment and congratulate this committee for its work in bringing these issues to light. I think it is important that we try to put the role of women in context.

The home is a women's ecosystem. Since a women's body is a child's first habitat, children will be and have been a catalyst for action. Indeed, an analysis of the global grassroots environmental movement can be traced to the activism of women out of concern for the future of their children.

This concern by women for health, education, and sustainable development will continue to grow as the linkages between environment and health are increasingly recognized. I see this not only as an international or developing country phenomena, but also I think this is true as a domestic issue which people running for elective office should take note.

In the lesser developed world, women have different methods of organizing. They operate in different economies and are motivated by a different set of priorities. Generally, women practice a participatory rather than a representational activism, which is exemplified by most government and lending institutions. To women, process is as important as the product. Women work together in a type of "centocracy" as opposed to the hierarchy of most international institutions. There is a huge gap between these two ways of understanding the world that frequently results in women's voices being overlooked, undervalued and just plain ignored.

THE FEMINIZATION OF POVERTY

There is a widely recognized link between international debt and environmental degradation as the need for hard currency drives the overexploitation of primary natural resources. There is, however, very little recognition that the debt crisis inflicts the greatest detriment to local women and their children.

Women and children in poverty are among those least able to cope with environmental degradation, high rates of population growth, and misuse of natural resources. This linkage between micro and macro issues is seldom discussed or recognized, and it is something I hope this committee will take up in the future.

Women comprise approximately 70 percent of the world's informal economies. These informal sectors are often misunderstood, unrepresented by economists in international development specialists. As the economic situation worsens, women find themselves in a worsening spiral of lower paying jobs and a diminishing means of subsistence. The health of these women is increasingly affected as the environment deteriorates and environmental toxins grow due to development schemes gone awry.

I believe credit is a key to a better quality of life for a large proportion of women involved in small-scale enterprises in the informal sector, because women are severely limited in the extent to which financial institutions and programs service their credit needs. As a result, women are unable to launch and expand enterprises and are therefore further limited in their options.

Coupled with efforts at microenterprise development, micro-lending has the potential to positively impact the lives of women, their children, and their communities, particularly if they are linked to conservation projects and the sustainable harvests from ecosystems. This is essentially what I do.

Through a women's banking project, Conservation International is promoting community participation in microenterprise development, encouraging these businesses to be environmentally sound, promoting women's empowerment, supporting women's initiatives and entrepreneurship, and improving the quality of life as a whole. This type of initiative should be a part of all our international institutions' goals with respect to sustainable development.

A recent report on the integration of women's concerns in the Department of State, which was conducted by the GAO, confirms these facts that I have laid out. The report concedes that conditions for women have deteriorated, not improved, since the enactment of legislation 20 years ago to facilitate their economic, political and social integration. I can confirm this by my own experiences in the field.

When we talk about women, we must talk about more than human rights. We must talk about human responsibilities and we must do more than just talk. We must act now. The time for words is past. It is time for an integrated approach, an unified global principle of human rights and responsibility that includes those women who hold up half of the sky.

CONGRESSIONAL ACTION NEEDED

This committee can help set a standard of action and conduct with which activities can be morally measured and economically measured. You can set up the framework of hope and possibility to guide the interactions between developed and lesser developed countries, between indigenous people and the so-called civilized world, between women and men, that balances economic growth with concern for the environment and the fundamental rights of freedom for all humankind.

Since Congress legislates policy guidelines and exercises oversight in the implementation by U.S. agencies and programs, this committee plays a major role in determining both policy direction and in monitoring policy implementation by executive agencies. I know you will all rise to the occasion.

Thank you for allowing me to be here. In my statement I have listed some specific recommendations which I hope you will consider.

Thank you for listening to me.

Mr. LANTOS. It was a great pleasure listening to you. It was a enormously substantive testimony and we are most grateful to you. [The prepared statement of Ms. Porter appears in the appendix.]

Mr. JOHN PORTER. Would the Chairman yield?

Mr. LANTOS. I will be happy to.

Mr. JOHN PORTER. I am obviously here not as a member of the subcommittee but as a supporting spouse. I just want all of you to know how very proud I am of the work Kathryn is doing for human rights and for the environment.

I thought your statement was wonderful, honey.

Ms. KATHRYN PORTER. Thank you very much.

Mr. LANTOS. I want to echo everything that my dear friend said. As I keep reminding him with daily regularity, both he and I married above our stations and we are fully conscious of it.

I know that Congresswoman Ferraro has to leave very shortly, so if it is all right with you, Ms. Porter, we will begin the questioning with Ms. Ferraro.

I would first call on my friend, Congresswoman Snowe to begin the questions.

Ms. SNOWE. Thank you.

I want to second what the Chairman and Congressman Porter said. I compliment you on your excellent statements; they are very substantive and to the point and obviously based on a great deal of experience, interest and concern.

MAKING WOMEN'S CONCERNS A U.S. FOREIGN POLICY PRIORITY

I would put the question to you, Geraldine, what the Chairman put to me when I testified; what is the most important thing we can do at this point as a country? What would be the most immediate impact in addressing this problem?

Ms. FERRARO. I come with a little bias because I have been working with the Human Rights Commission in Geneva. One of the things that I think the Congress should do is take a close look at how people vote in the various bodies. If I am in Geneva next year, I intend to make sure that every vote that is taken has been trans-

ferred to Members of Congress, for you to get out to other Members, because I really do believe that how women are treated in human rights situations should be part of the considerations that Congress addresses when you talk about appropriations or any sort of aid programs.

I will give you an anecdote to tell you more about this: When I was in Geneva, there was a resolution brought to the floor condemning China for the action in Tiananmen Square and urging that they do something about human rights. For several weeks prior to coming to Geneva, the Chinese Government had been down in Latin America and had spent quite a bit of time negotiating trade agreements. We were not about to get any sort of support against China because they negotiated that out.

The flip side is, we had real difficulty with Turkey when it came to the violence against women in the former Yugoslavia and other things. Turkey was taking the lead with the Organization of Islamic Countries. At the same time, they were taking a lead in thwarting a lot of things we were doing, and eventually we ended up with a consensus resolution, they were meeting with you, Mr. Chairman, in Ankara asking for assistance to have them be part of the European Community.

Well, if you want to be part of the European Community, then you should act like the European Community when it gets into human rights situations. So I think the most important thing for the Congress to do is to monitor these human rights situations and to make them have impact on what you do here.

Ms. SNOWE. That is a very valid point. If it is put into the context of our policies with another country then they will know it is with the highest priority in the United States in terms of their treatment toward women.

Ms. FERRARO. In Geneva I got the impression that we were kind of acting in a vacuum. When it was all over, I said to the press, I kind of scolded them that this was the best kept secret in the world and it should not be. It should be out to the people.

RATIFICATION OF WOMEN'S CONVENTION IS IMPERATIVE

Ms. SNOWE. What effect has it had in terms of our standing with other countries because of our failure to ratify the Convention and all forms of discrimination against women?

Ms. FERRARO. We are the world leaders. The fact that it had been signed in the late 1970's and not submitted to the House and Senate, was obviously noted, that the Convention of the Child—and these were thrown in our faces on numerous occasions.

Let me also say to you that the human rights community was waiting to see a difference in attitude between this administration and the last.

I think they will be looking at that as one of the indicia of the difference in how human rights are being approached.

Ms. SNOWE. What is your impression with respect to the administration in submitting this treaty for ratification in the Senate?

Do you expect that there will be a timetable in the near future for submission?

Ms. FERRARO. I cannot speak for the administration, but I understand the administration has said they intend to submit the Con-

vention on Race first and then this would be very soon. I would hope that would be done. There is no indication at the present time about signing the Convention of the Child.

As I said during my testimony, I wrote a letter to the President urging him to do that and wrote to all the Senators who had not signed on to Senator Bradley's resolution calling for the signing of the Convention of the Child. I expect you will see some of these things taken care of in the near future.

Ms. SNOWE. I think it makes it much more difficult for us as a country to speak to these issues when we appear to ratify a treaty that has been outstanding for more than a decade.

Mr. FERRARO. We have lost a lot of credibility on the issues because of the delay over the years.

DISCRIMINATION AGAINST WOMEN SEEKING ASYLUM

Ms. SNOWE. There was a *New York Times* story recently about the whole issue concerning asylum and redefining asylum. Also, the administration is seeking to expedite exclusion of asylum seekers. Congresswoman Pelosi indicated her concerns with that, that would be that it may ultimately lead to discriminating against women because maybe the women would not be able to speak to the guards or any officials at the port of entry with respect to their persecution, sexual abuses, et cetera. Do you share those concerns?

Ms. FERRARO. I agree with her. Before coming to Congress, I was a prosecutor. One of the things my bureau handled were all the sex crimes in Queens County. I supervised the trial of these cases. I must tell you, it was a lot easier for those women to speak to women and obviously not in a room with other people, not being rushed. These are very tough crimes to talk about.

There is a level that is quite different from anything else. You are not talking about a robbery or a burglary or anything else. This is an invasion of self and it is very emotional.

I agree with Congresswoman Pelosi, if you do it, you must take precaution, where if women are being interviewed, and the basis of their seeking asylum is rape or sexual abuse within the country, that indeed those interviews should be very carefully and cautiously taken care of and not be rushed. These are the type of things that take time to just divulge.

Ms. SNOWE. Thank you very much.

It is good to see you again. I applaud your contribution.

Mr. LANTOS. You tell us when you have to leave.

Ms. FERRARO. You know the good old days when I had a little extra, now, well, now I am in the private sector and I have to get back for clients.

RECOMMENDATIONS FOR CONGRESSIONAL ACTIONS

Ms. WOOLSEY. Representative Ferraro, I have one question. If you were here in my shoes today, what three things would you do to help accomplish the goals you talked about?

Ms. FERRARO. Seeing that the conventions are ratified. The other, Congresswoman Snowe, is with respect to the special representative at State, you know, given a clear mission and a sole mission of dealing with women's issues.

The third, I think is again speaking out whenever you see appropriations bills come through for aid or whatever, make your voice heard, even if it is in a "one minute" with regard to the human rights. Even on the NAFTA Treaty, take a look at what is happening in Mexico. We have talked about—

Mr. LANTOS. This subcommittee will hold a hearing on the human rights dimension of the NAFTA Treaty next week.

Ms. FERRARO. One of the things we found in Geneva, and it was one of the things our American ambassador commented on, over the years since Mexico had been told about their prison system, that it has improved considerably but there is still space for more improvement. Maybe we could just nudge them on that just a little bit.

Ms. WOOLSEY. Thank you.

Mr. LANTOS. One of the principal fighters for human rights is my good friend from Indiana. I am very pleased to call on him.

Mr. McCLOSKEY. Thank you for your generosity, Mr. Chairman.

THE SITUATION IN THE FORMER YUGOSLAVIA

I will be very brief. Mrs. Ferraro, I commend your statement. I appreciate everything you are doing. I hope you are able to do it even better and more loudly.

I was in Sarajevo last week. Although we did not addition the issue of rape per se during this visit, I was struck by the terrible human tragedy, the deaths, slaughter, mutilation, and disruption of families along ethnic lines. One awful example of ethnic hatred I took away was based on a conversation with a young woman raised in the Muslim culture but who was not a practicing Muslim. She was very secular and had been married to a fellow engineer from the University of Sarajevo. He happened to be a Serb, and when this evil war was started by the likes of Milosevic and Karadzic and the whole country of Bosnia was blowing up, he told his wife that she was a rotten Muslim and should move to Turkey along with all other Bosnia Muslims.

Now, amidst heavy shelling, Sarajevo is facing a severe winter and Maglaj is in worse condition than Sarajevo. The concentration camps still exist, and there are rape camps. Women and men of all ages are held in horribly deprived conditions. I would appreciate your speaking out about these problems.

Please tell the Clinton administration this is not a matter of incidental importance and that all Bosnian parties are equally culpable. The theory of moral relativity of equivalency—that these people just like to do this to each other—is a horrible revision of history. Every one of these cases involves a human being who is undergoing massive tragedy beyond words. But the Serbs are the primary culprits. This is one of the few times in history when rape has been used as a systemic weapon of war in connection with perpetrating genocide, and the Serbs are the guilty party. The tragedy is unbearable. I would appreciate your views on this.

Ms. FERRARO. I could not agree more with you about the tragedy that is going on in the world there. I did read this article this morning on the way down. This page adds "proven cases, et cetera" that doesn't mean the cases are below 20,000.

What I said before, women don't want to talk about these incidents, when you have gang rape. And when I was in Geneva and had traffic coming across my desk from the State Department, I could not believe the things I was reading. You have women who have been gang raped and raped repeatedly over months. They are going to try to assimilate and get away from this and deny it as quickly as they can.

That Serbian view is not unusual. I am sure there are a lot of Muslim husbands walking away from their wives and blaming them for what happened, even though they had no control over it.

These crimes I think will be prosecuted. The War Crimes Tribunal is moving along very nicely. I don't think they will prove anywhere near the number of cases we have documented. This administration really has taken the lead.

When we were in Geneva, the resolution we had passed called for a War Crimes Tribunal to address the situation. The day before the resolution came on the floor at the Human Rights Commission, the resolution was already passed in the Security Council under the leadership of the United States. So we changed the phrasing.

As you know, we are all capable of doing it the day before something comes up, and we changed it from calling for the creation of war crimes tribunals to commending the Security Council for doing so.

I have been working with several lawyers and the ABA to get the enabling legislation together for this. Hopefully, we will eventually bring some of these criminals to trial. Again, the tragedy is acute. I share with you the horror of reading that this is still going on and the bombing is still going on.

I look back and feel if something had been done a year or two ago when it all really started, if Milosevic had been stopped before he got any further, we would have been a lot better off than we are today. I hope that is something that we take a very close look at with the other Eastern European countries, the Baltic States, which are now in the same situation where communism has been lifted and repression has been removed, and yet anything under the surface, all the evils could come crawling out, as this has happened right now in Bosnia.

I truly do share your concern. I will bring that message back as soon as I can.

Mr. McCLOSKEY. Thank you.

Mr. LANTOS. The final question for Congressman Ferraro from my good friend, Mr. Smith.

Mr. SMITH. I, unfortunately, was not here for most of the hearing. But I know of the good work you have done with regard to the War Crimes Tribunal and getting focus on rape as a war crime; and the use in Bosnia is horrendous. I would like to raise an issue that hopefully you and others connected with the administration would take back and raise within the White House, because it is a very, very serious issue.

This morning, 125 members, a bipartisan group, Democrats and Republicans, sent a letter over to Janet Reno asking, demanding, if you will, that the Justice Department reverse itself on an effort it has undertaken to seriously weaken our child pornography laws.

As the Chairman and everybody on this panel has been a part of for the last 12, or however many years we have been here, and I have been here 13 years, every time Congress has looked at child porn, it has sought to strengthen the rules.

When you were a Member of Congress, you were very much a part of that as well. Regrettably, and I don't know at whose advice or behest, the administration has entered a brief in the Knox versus the U.S. case that would undermine and legitimize certain child porn that today is illegal. It sets up a two-part test that is hard to meet, and would likely lead to a reversal in the case and testimony where a known pedophile was caught. The law was applied. He was convicted in the lower court.

The Court of the Appeals of the Third Circuit affirmed his conviction. That now has been asked to be remanded back to the court with this new two-part test which is, again, very, very weak being applied.

I say this because Pat Truman who ran the Child Obscenity Unit within the Justice Department, a man who has been right at the cutting edge for years in prosecuting these cases has said de facto, it will legalize kiddy pornography. I have a copy of that statement.

Ms. FERRARO. If I could have it, Congressman, I would like to have a letter, plus a copy of the case. Now that I am back practicing law, I tend to read cases now.

Mr. SMITH. I would appreciate this.

[The information follows:]

Statement by Congressman Chris Smith (NJ)October 20, 1993

Mr. Chairman, I would first like to thank you for convening this important hearing on human rights abuses against women. I would also like to turn, however, to a related matter involving the exploitation of children.

With all eyes fixed on the explosive situations in Haiti, Somalia, Bosnia, and other hot spots and with every new wrinkle in health care reform gobbling up scads of media air time and ink, the Clinton Justice Department has quietly, and -- I would submit -- shamefully, turned its back on children by seeking to reinterpret, loosen, and weaken existing federal child pornography law.

On September 17, the Justice Department petitioned the U.S. Supreme Court in *Knox v United States* to remand the case of a man convicted under federal child pornography law back to a lower court for review. The Clinton brief argues that a much more narrow, weaker standard be applied in this precedent setting case than that which was affirmed by the Court of Appeals for the Third Circuit. If Mr. Clinton prevails, efforts to curb this hideous form of child abuse will be seriously undermined.

Mr. Chairman, the Clinton policy seriously weakens law enforcement efforts to crackdown on child porn in this country by inventing a new two-part test of what constitutes a crime. Under Clinton, both criteria must be met for a successful prosecution. The Clinton Administration's policy would transfer the burden from the pornographer's intent in arousing a pedophile to the actions of the exploited child. This clearly undermines the meaning of the law as supported by the 1989 case *United States v Villard* which stated that lasciviousness depends on the intention of the photographer of the material to elicit a sexual response from the viewer. For example, sexually explicit photographs of sleeping children or videos of unclothed children innocently playing on a beach who are secretly filmed by a pedophile could not be said to depict minors "engaged in conduct of lasciviously exhibiting their genitals or pubic areas."

The brief also argues that nudity or visibility of the child's genitalia or pubic area is required. This reinterpretation of the nation's child pornography statute by Mr. Clinton would shield from prosecution a sizable element within the child pornography industry. This immunity, however, would be conferred to the purveyors and users of kiddie smut at the direct expense of vulnerable children. The Court of Appeals correctly summed up Congressional intent on this point in stating:

"The harm Congress attempted to eradicate by enacting the child pornography laws is present when a photographer unnaturally focuses on a minor child's clothed genital area with the obvious intent to produce an image sexually arousing to pedophiles....Our interpretation simply declines to create an absolute immunity for pornographers who pander to pedophiles by using as their subjects children whose genital areas are barely covered."

Mr. Chairman, it is outrageous to me that the Clinton Justice Department seeks to have this standard, designed to protect children from exploitation, declared 'null and void.' Patrick Trueman, head of the Child Exploitation and Obscenity office at the Bush Justice Department, notes that the Clinton brief "writes a recipe for 'legal' child pornography, i.e., child pornography that the Reno Justice Department will no longer prosecute....With its new interpretation of the federal child pornography law, the Department gives to pedophiles what they could never get from Congress." (Patrick Trueman can be reached at the American Family Association in Washington, D.C.)

The pornographic tapes which were the basis of the *Knox* case and which would likely receive immunity under the Clinton Justice Department, were described by the Third Circuit Court of Appeals as containing:

"various vignettes of teenage and preteen females, between the ages of 10 and 17, striking provocative poses for the camera. The children were obviously being directed by someone off-camera. All of the children wore bikini bathing suits, leotards, underwear or other abbreviated attire while they were being filmed....The

photographer would zoom in on the children's pubic and genital area and display a close-up for an extended period of time."

The lower court offered this portrayal of how a catalogue described a scene on the tape:

"an enchanting scene showing a dark-haired beauty of 11 letting us have a long, slow look up her dress to view her snow-white panties...[and]...scenes of a 13 year old in a leopard skin bikini with a magnificent ass that she puts on display for you as she walks back and forth slowly and teasingly."

The company which produced these tapes described one of them, "Sassy Sylphs," in promotional materials as:

"Just look at what we have in this incredible tape: about 14 girls between the ages of 11 and 17 showing so much panty and ass you'll get dizzy. There are panties showing under shorts and under dresses and skirts; there are boobs galore and T-back (thong) bathing suits on girls as young as 15 that are so revealing it's almost like seeing them naked (some say even better)."

Today, my colleague from California, John Doolittle, and I -- 125 Members from both sides of the aisle -- have sent a letter to Attorney General Janet Reno urging her to abandon this morally indefensible position. The Clinton Justice Department has devised a thoroughly flawed legal reinterpretation of Congressional intent, has radically reversed the Bush prosecution strategy as it relates to child pornography, and as a consequence has concocted a formula for creating a new protected category of child pornography which will open the flood gates to the exploitation of children.

In addition, Mr. Chairman, Mr. Doolittle and I will be introducing a resolution today reaffirming Congress' purpose in passing existing child pornography law and opposing the Justice Department's misinterpretation of this statute.

In addition to the simple standard of decency in protecting a child from the exploitation of child pornography, there is a proven and consistently supported "compelling interest" in the elimination of such materials. The crime we are determined to prevent is, as so aptly phrased in the Court of Appeals *Knox* decision, "the affront to the dignity and privacy of the child and the invasion of the child's vulnerability." It is our obligation to protect children from this victimization.

Ms. FERRARO. Let me just say this administration, as you know, has been an administration that has looked very, very carefully at the rights of children and at protecting children. I would be rather surprised to find any sort of other position taken by the Justice Department. That is why I would really like to take a close look at the case.

Mr. SMITH. When you look at the Third Circuit of the Court of Appeals, which was an excellently reasoned argument, that the intent of Congress was to be very inclusive.

It was not just to narrowly say only if a certain criteria was met, the legislative intent, the plain statutory language coupled with the fact that many pedophiles have been successfully prosecuted, all of that stands in jeopardy of being undone. It flies in the face of the protection of children.

Some of the advertisements that were used to promote the very tapes that brought about this conviction for this man named Knox from Pennsylvania, has been the very case they are saying send back and apply the new test. Over the fall, he will become a free man to pursue that obnoxious behavior.

Ms. FERRARO. I will be happy to look at that.

Mr. LANTOS. Let me thank you for a superb job as usual. I admired Hillary Clinton's testimony before the Congress in recent weeks, but I must say, that is not the first quality of testimony that we have had from your gender, because you have done this for a long time with enormous effectiveness.

We are most grateful to you. I know you have to catch your flight.

Ms. FERRARO. Thank you.

Mr. LANTOS. We will begin the questioning of Ms. Porter with Ms. Snowe.

Ms. SNOWE. Again, I want to compliment you on your excellent testimony before this committee. It is clear to me that you had extensive experience, trained as an anthropologist as well in dealing with these issues. Obviously you have given it a lot of thought based on your experience.

I was impressed with the fact that you spend half your time in the developing countries. I think that is remarkable. So you have obviously had significant on-the-ground experience.

Mr. LANTOS. This accounts for the state of depression of John Porter.

Ms. SNOWE. That is right.

What would you recommend in terms of any specific action that we should take either as a committee or in Congress? I mean, what can we do to alleviate the problems that women face worldwide? We talked about the Convention, of course. I think that is important not only symbolically but also from a policy standpoint in our failure to ratify that Convention. Obviously, we are changing the State Department authorization and the Bureau of Human Rights in having a high-level senior position that is well recognized on these issues. What can we do beyond that here?

ADDRESSING GENDER BIAS

Ms. KATHRYN PORTER. Thank you for your comments.

I can think of a number of specific things you can take action on today. Attached to my formal statement are three pages of specific recommendations that could be applied to the Biodiversity Convention and to the GEF that would incorporate a gender perspective of women's voices and how they go about doing their business. I think there are several other things.

One is to address gender bias wherever it occurs. I think that gender bias is certainly the greatest obstacle to progress in all these thorny issues we are dealing with. It prevents us from moving ahead as humankind. It limits our consciousness and potential. I think it is time we recognize and understand what gender bias is and how pervasive it is in every culture, including our own. In terms of USAID, there is a lot we can do to ensure that women are embedded in all programs at all levels, not just a little office over here, but in each program that takes place.

There are a lot of words written in AID documents that refer to women. I have tried writing part of their authorization and appropriation myself and getting words in through a couple of friends I have on the Hill. It has been limited in terms of how much it has been responded to.

The words are there. They have a mandate to include women. I know they are trying to do that. I know that the new fellow there is saying all the right things, but it is time for action. I think that if you were to demand to see action, it would likely occur.

SETTING HIGH STANDARDS FOR U.S. ASSISTANCE

Ms. SNOWE. So, obviously, in the delivery of our foreign assistance program, that is where we could be most effective, and beyond incorporating the gender is obviously the enforcement. I know in the past, when we have talked about our foreign assistance programs, we have talked about making sure that there are women who are part of the program, who are delivering the services, who therefore will be sensitive to the needs of women in other countries.

So oftentimes many of these programs are dominated by men and you don't have women involved in the programs who understand the needs and also the problems that women face in the developing countries. So, therefore, no one is sensitized to this issue.

Ms. KATHRYN PORTER. That is true. One of the biggest difficulties is that people don't listen. We have a lot of well-intentioned people who are working for AID and other agencies who try to design programs but unfortunately they don't do the first thing necessary for effectiveness on the ground. You have to go and listen to what the people want, what their hopes and dreams are, what is really possible for them to do.

In my experience, I have learned so much more than I have been able to take to the people that I have been working with. If you just listen to them and their needs, you have a better chance at being a facilitator, a better chance of something real being attained.

How you build that into a government program, I am not sure. To me, it is a basic anthropological methodology but it doesn't seem to surface in a lot of programs that are out there.

Ms. SNOWE. I think it goes back to definitely being sensitive to this entire issue. It does start at the highest levels. It is also at pol-

icymaking. It is insisting upon a certain standard as a nation. As we say, we have seen so many countries that have constitutionally and otherwise discriminated against women. There are no safeguards. We should insist on those safeguards to protect women. I think that does start with us.

I think we have to adopt the highest standards in the delivery of our foreign assistance programs. As Geraldine, mentioned we should recognize the votes that are cast by other nations to remind them how to incorporate that in our own appropriations in our foreign aid programs.

Ms. KATHRYN PORTER. I think that approach would go a long way to really assuring that gender bias will be on the wane. That would really be marvelous. Women all over the world would certainly congratulate the actions that you have taken.

Ms. SNOWE. I want to thank you for an outstanding statement.

Mr. LANTOS. Thank you very much, both of you.

Congresswoman Woolsey.

PRESERVING INDIGENOUS CULTURES

Ms. WOOLSEY. With your experience in the Third World countries can the United States actually help support and preserve indigenous cultures when things go on that we cannot accept such as genital mutilation and things like that? How do we bridge that so that we let them be who they are and pull them along at the same time?

Ms. KATHRYN PORTER. Well, cultural relativism has been used to inflict a whole wide range of ills on people. I believe that it is possible to help indigenous cultures be what they want to be without reinforcing those kinds of negatives. Like Margaret Mead, I draw the line at anything that demeans or physically harms a person. That is a pretty broad definition.

There are many things we can do to help indigenous people. In this "Year of Indigenous People," there has been lots of rhetoric that has not resulted in anything tangible, or very little tangible, for indigenous people. I work with indigenous people. I came to that interest, I suppose, because my grandmother was a full-blood Cherokee.

I work in a number of different areas with indigenous people. As the Chairman knows, we have been hard at work in the Congressional Human Rights Caucus in trying to unify the interests of indigenous people with human rights and the environment.

I can give you one positive case in point in which I am presently working. In an Amazon area in Brazil is the tribe known as the Kayapo. The Kayapo tribe came to our organization, Conservation International. If you remember, Chairman Lantos, Paikan of the Kayapo was the first indigenous person who came out and talked about his problem.

Paikan has asked us to create a Kayapo university on the edge of the buffer zone in their reserve which has been set up in Brazil. They have asked us to help them build a small university, not for the Kayapo but for gringos like me to come down and learn about the way they are living there.

Some would call it a stone-age culture. But how they are living in harmony with the forest and meeting their subsistence needs without degrading the forest is a very positive example.

You can also use technology to help indigenous cultures. We are working with the Chimane in Bolivia. Those Indians are now working with other indigenous cultures helping to use radio technology to record their history, their traditions and myths so they will have it for the future.

Another way we can work with indigenous cultures is to work with the shaman, the medicine men and women who understand what it is to live in the forest and how to use the forest for benefit, from a medical standpoint and from other subsistence levels. We have something called the "Shaman's Apprentice Program" where we encourage young people to apprentice themselves to shaman to learn these ancient ways.

Every time a shaman dies, it is as if the library in Alexandria has burned down. We must learn about the ways cultures have adapted over thousands of years, and we must try to preserve that for the future.

So there are positive ways to work with indigenous cultures without perpetuating some of the negative things that we hear about such as clitoridectomy.

Ms. WOOLSEY. Therefore, education and choice, letting them learn and make their own choices on some of these?

Ms. KATHRYN PORTER. If you listen and help them understand what their options are, it has been my experience that they seem to choose the right options.

Ms. WOOLSEY. You said in your statement that women consistently spend more money and invest more wisely in children. Of course, that is because the children are ours first. Therefore, I agree with you that the more women we get in the U.N. in making these high-level decisions, the better we will all be. So anything you can do to help us make that happen will be appreciated.

Thank you very much for your testimony.

Mr. LANTOS. It rarely happens that all three of our witnesses are both substantive and inspiring, but that certainly has been the case with Ms. Woolsey, Ms. Porter and Geraldine Ferraro.

Let me say, this committee will not rest until we see substantive, significant and very early improvement in the conditions of women worldwide.

Thank you.

[Whereupon, at 3:35 p.m., the subcommittee was adjourned.]

HUMAN RIGHTS ABUSES AGAINST WOMEN

TUESDAY, MARCH 22, 1994

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
SUBCOMMITTEE ON INTERNATIONAL SECURITY,
INTERNATIONAL ORGANIZATIONS AND HUMAN RIGHTS,
Washington, DC.

The subcommittee met, pursuant to call, at 10:19 a.m., in room 2255, Rayburn House Office Building, Hon. Tom Lantos (chairman of the subcommittee) presiding.

Mr. LANTOS. The Subcommittee on International Security, International Organizations and Human Rights will be in order.

Our hearing today will address the sexual exploitation of women and children. Trafficking for prostitution, a great problem in many parts of the world, particularly in Asia, was recently highlighted by the release of a Human Rights Watch report entitled "A Modern Form of Slavery: Trafficking of Burmese Women and Girls into Brothels in Thailand." The publication documents the direct involvement of Thai police and border guards in the illicit sex trade. Twenty-thousand Burmese women and children are currently in Thai brothels and 10,000 new recruits are smuggled in every year. The Thai Government routinely fails to punish its own officials and others who engage in or profit from this abuse.

Other countries in which the sex trade is a lucrative business include Bangladesh, India, Pakistan, the Philippines, Sri Lanka and Taiwan. Many Middle Eastern countries recruit prostitutes from the Indian subcontinent and the rest of Asia. In Japan, gangland traffickers have brought in thousands of Asian women to work illegally in brothels.

One of the most horrific aspects of the trafficking issue is the large scale involvement of children. The International Catholic Child Bureau estimates that globally, child prostitution is a \$5 billion business—that is with a "b"—a \$5 billion dollar business. Estimates of numbers of children forced into prostitution are mind boggling: up to 400,000 in India, 200,000 to 400,000 in Thailand, 10,000 in Sri Lanka, 40,000 in the Philippines, and 70,000 in Taiwan.

Child prostitution is also a problem in the Western Hemisphere. The YMCA reports that in Argentina, prostitution centers trade children ages 8 to 10—ages 8 to 10, then sell them in the United States and to Arab countries. The Dominican Republic is a known locale for sex tourism, and child advocate groups estimate that there are 2,500 girls in Brazil's Amazon mining camps.

I have been active in human rights for a long time, and I have developed some callouses that are necessary if one is to persevere in this field. But, I must say that there are still some degradations which cause me to shudder in sheer horror at the magnitude of their inhumanity. Today, we are addressing one of these issues.

Perhaps what horrifies me most about the sex trade is the wanton contempt it shows for the human race. Those who traffic in young people and those who abuse their bodies are, in essence, saying that humankind itself is a mere commodity to be used in any way one wishes, without regard to the destruction wrought upon the soul and psyche of the victims. In the era of the material world, a young innocent is the ultimate disposable good. Perhaps one of the reasons I speak with feeling on this subject is because Mrs. Lantos and I have 15 grandchildren.

Although many committed nongovernmental organizations and international organizations monitor trafficking and provide what aid and assistance they can to victims, Human Rights Watch recently brought this monstrous business into very sharp focus. Its publication documents the ungodly conditions in Thai brothels where thousands of Burmese women and children—girls, little girls—are held as virtual slaves, forced to service 10 to 15 clients a day, working 10 to 18 hours a day, 25 days a month, with only the most primitive and rudimentary health care and birth control provided.

This trafficking in human beings take place with the complicity of Thai police and border officials. The Thai Government, in flagrant violation of its obligations under national and international law, has preferred to arrest and deport the Burmese victims instead of prosecuting and punishing the greedy officials on the take, the brothel owners, and the traffickers. But perhaps one should not be surprised because this is the same government which condones the exportation of Thai laborers to Libya to work on Qadhafi's poison gas plants underground. The military dictatorship in Burma not only allows, but also profits from this brutalization of its most defenseless citizens. No condemnation or denunciation of the Burmese Government can be harsh enough.

Despite a much ballyhooed pledge by the Prime Minister of Thailand to crack down on official involvement in forced and child prostitution, the trafficking continues unabated, fueled by the burgeoning AIDS crisis in Thailand and other parts of Asia where sex is big business. In an ungodly twist on the laws of supply and demand, virgin girls are ever more highly valued because they bring a higher price, and fear of contracting AIDS has led the owners of brothels and the patrons of brothels to prefer younger, ostensibly virginal prostitutes. This, in turn, has led unscrupulous traffickers to go into remote Burmese villages, where they lure unsuspecting girls, many as young as 12 years old, to Thailand with promises of well-paying jobs as waitresses or maids. Most of these young women and girls are virgin when they enter Thailand, but Human Rights Watch estimates that 50 to 75 percent end up HIV positive.

This horror is unfortunately only one example of the brutal exploitation of women and children that occurs in so many parts of the world.

Today, we will examine various aspects of trafficking for sexual purposes, including the profiles of typical victims, the living and working conditions they are subjected to, the role played by Western sex tourism in fueling demand for young and underage prostitutes, the appallingly inadequate governmental response in Thailand and other nations to combat this evil business, and the response of our own government in the face of mounting evidence that some close U.S. allies have dismal records on this front.

I am very pleased to welcome our distinguished witnesses, who will help us in shedding light on the human, legal, political and economic dimensions of this issue. I want to thank the Assistant Secretary of State for Human Rights and Humanitarian Affairs, John Shattuck, for joining us today, so soon after his return from China. We look forward to meeting you again on Thursday to discuss U.S. policy toward China in the aftermath of Secretary Christopher's visit there.

I am particularly delighted to have my dear friend and colleague, Congressman Joe Kennedy of Massachusetts, appear before this subcommittee. You have been an indefatigable fighter for human rights in all its many fold aspects, and you are particularly prominent in the defense of children worldwide. And your devotion to human rights causes in your service in this body has become legendary. Thank you for making time to join us today to discuss your legislation that would make it illegal for Americans to travel abroad for purposes of engaging in sexual acts with minors that would be illegal in the United States.

I am also pleased to greet another expert witness on human rights issues, Dorothy Thomas, Director of the Women's Right Project of Human Rights Watch. When Abraham Lincoln was introduced to Harriet Beecher Stowe, the author of "Uncle Tom's Cabin," he is reported to have remarked that he was finally meeting the woman responsible for stirring up so much trouble, and I think that we might say similar things about you with the publication of a "Modern Form of Slavery." Human Rights Watch deserves much praise for drawing the world's attention to this gross and massive violation of human rights. We eagerly await your testimony regarding the report, the trafficking in Pakistan, and other areas of concern to you.

Finally, I want to welcome Professor Kenneth Klothen, Acting Executive Director of Defense for Children International, USA and the Principal of TADD International. He will testify on child prostitution, and he will suggest changes in U.S. laws and assistance programs to address this issue.

Before calling on my colleague, Congressman Kennedy, I wonder if any of my colleagues on the panel would like to make an opening statement.

Mr. SMITH. Chairman, I would like to make an opening statement, but I would like to defer that until after Mr. Kennedy speaks. He has advised us—

Mr. LANTOS. Very well.

Mr. SMITH [continuing]. He has another hearing to chair.

Mr. LANTOS. Very well. Congressman Meyers.

Mr. MEYERS. I am just very pleased that you are holding the hearing, Mr. Lantos. I am a member of the Steering Group, Con-

gressional Working Group on International Human Rights, and I share that position with Congressman Moakley in the House and with Senator Murray in the Senate, and I think it is extremely important. And we have about 40 Members of the House and Senate who have signed up for this working group and who look forward to being active. And I look forward to the testimony today.

Mr. LANTOS. Thank you, very much. Congressman Kennedy, it is all yours.

Mr. KENNEDY. Thank you, very much, Mr. Chairman. I would like to defer to Mr. Smith, though, because I asked him if he—if I could do this and he indicated he had some other pressing engagements as well. So, you should—Chris, go ahead. I am here at your—go ahead, Chris.

Mr. SMITH. OK. First of all, thank you, Mr. Chairman, for convening this hearing and I welcome our distinguished witnesses, Mr. Kennedy and John Shattuck and others, who will be testifying later on during the hearing.

Mr. Chairman, it is a sad commentary on the state of the world that today, we are meeting to discuss the pervasive and ever-growing problem of the sexual exploitation of women and children. Throughout the world, there are social, economic and cultural conditions that contribute to the abuse and exploitation of women and children. Quite often, those who are most vulnerable are victimized by those who create the abusive conditions.

What is tragic about this particular form of abuse is that these women and children have no hope of overcoming their situation. In fact, there are laws enacted which support and promote the abuses, rather than protect those who are abused. An industry of sex tourism, which is a major component of the national economy of a number of these countries, also contains a large and flourishing pornography industry, which contributes to their economic growth. Tragically, these governments place profit above human dignity and basic decency. Were it not for the work of independent human rights organizations, we would never know the full scope and the atrocities that are occurring in these various countries.

Mr. Chairman, millions of women and children, some of them as young as 6 years old, are robbed of their dignity, their innocence and their very lives by sick, depraved individuals who have no regard for the value or preciousness of human life.

Mr. Chairman, as you are well aware, my interest, and your interest, and I know other members of this panel in human rights, just when we think things in China—just when we think things could not get worse in terms of human rights in China—their lack of compliance with the executive order, for example—out comes more reports and more data suggesting that women are being sold into sexual slavery; the dealers in human beings, which can be found in the market places very often hawking their wares; young girls abducted from villages and to the highest bidders.

In the book, "The Abduction and Sale of Women: Its Actual Report," the chilling details of what happens to many of these women are accounted. One young woman, a nursing student, was victimized by a man posing as a professor who raped her and sold her to a "second-hand dealer," who then, in turn, raped her and sold her to another man.

Since 1986, some 48,000 women have been kidnapped in just six counties alone. Many of these women are sold into sexual slavery. In one village, some 1,800 women have been kidnapped and sold as brides in other villages in China. Like other human rights abuses, Mr. Chairman, this is just the tip of the iceberg. There are over 2,000 counties in China and we have statistics for only 6.

In other areas of Asia, the trafficking of women and children from different countries is well documented. Thailand has developed an entire tourism industry on sexual exploitation. The Women's Right Project of Asia Watch, which is represented here today, reports on the large trafficking of women and children from Burma to Thailand, where they are "compelled" to have sex with as many as 10 to 15 customers a day. The high rate of AIDS in Thailand places these women in extreme danger, and some evidence suggests over 50 percent are HIV positive.

Mr. Chairman, we are all disturbed by the sexual exploitation of women and children in these countries. However, Mr. Chairman, we must also be disturbed, and we must cry out and speak out and take effective action against the complicity of many Americans, and I am sad to say, even the administration in one area, which encourages the continued exploitation and abuse of women to the weakening of our child pornography laws. When we discuss the sexual exploitation of women and children, we must not ignore the lucrative child porn industry that exists in the United States and extends to other countries. Many of the pornographic materials available in the United States are produced in the sex markets of Asia, and find an eager, sick audience here. There are conditions in our country which contribute to the continued exploitation of these children.

Mr. Chairman, just to keep the committee apprised, we have been trying since last fall to get the administration to repudiate a very ill-conceived course that they have embarked upon to seek a reversal of what has come to be known as the Knox conviction. A man by the name of Knox was found to have had child pornography tapes on his person. He was duly convicted. The Court of Appeals upheld that conviction. And as you know, Mr. Chairman, because you have been a very strong supporter over these last 15 years or so, in making sure that the U.S. child porn laws were tight and strong and bipartisan, without question, I am sad to say that the administration has moved in the opposite direction and has sought to weaken those very important child porn laws.

It is not unlike the drug issue, Mr. Chairman. It is one thing to work on interdiction, which is important; try to stop the production and the importation of cocaine and other kinds of drugs. But if there are willing users here, and they go unpunished and unprosecuted, we find that we are part of that connection when we actually contribute to it and we become complicit in it.

Mr. Chairman, Patrick Truman, who ran the strike force unit for the Justice Department, has characterized the administration's action as an "engraved invitation to child exploiters" to bring this stuff into this country, because there is a whole new class of child porn that is now going to be protected if Mr. Clinton succeeds in his amicus brief that he has filed at the highest court level.

I go through some of the very specifics—I will submit them for the record—of what is on these tapes that the administration has

found to be unobjectionable, but permissible; again, completely contrary to an overwhelming number of Democrats and Republicans who have supported the child obscenity laws in this country.

Finally, a little over a week ago, 234 Members on both sides of the aisle submitted our own amicus brief, arguing that the administration has falsely interpreted the child porn laws in this country. And again, when we are talking about exploitation, and users have to be part of the mix. And my hope—my sincere hope is that the administration will step up and say this was wrong, we are going to change course again and go back to what was the traditional enforcement and prosecution strategy on the previous administrations.

I ask that my full statement be enclosed.

Mr. LANTOS. Without objection.

[The prepared statement of Mr. Smith appears in the appendix.]

We will now hear from Congressman Joe Kennedy.

STATEMENT OF THE HONORABLE JOSEPH P. KENNEDY II, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MASSACHUSETTS

Mr. KENNEDY. Thank you, very much, Mr. Chairman.

Mr. Chairman, first of all, I want to congratulate you and members of your subcommittee for the convening of this important hearing on the sexual exploitation of woman and children in Asia. Your work here and as co-Chair of the Human Rights Caucus has been instrumental in bringing light and public scrutiny to this incredibly important issue, and the weight of public opinion to bear against abusive practices around the world. And I am happy to be here on a panel, once again, with my good friend, John Shattuck, who is both a close friend, as well as a constituent, of mine. All of us in the human rights community—if he does not say something nice about me, then we will see about that trip to China. [Laughter.]

Anyway, all of us in the human rights community are lucky to have as our champion with regard to human rights, John in this administration.

Mr. LANTOS. May I just interject, you both are lucky to have each other. [Laughter.]

Mr. KENNEDY. But in all seriousness, Mr. Chairman, I want to again thank you and thank all of those on your staff who helped put together a human rights caucus hearing on this issue of the sexual exploitation of children and children involved in the slave trade, in general, last year, which was able to bring to light some of these practices and actually stimulated, I think, a lot of interest and publicity on how some of these children are exploited so terribly throughout the world. I have some further thoughts at the end of my written testimony I want to discuss with you and other members of the committee.

I would also like to thank Dorothy Thomas, the Director of the Women's Rights Project at the Human Rights Watch. Your report, Dorothy, on the 20,000 to 30,000 Burmese women and girls who have been forced into the brothels of Thailand is utterly devastating. And I am arranging a meeting with the Ambassador of Thailand to discuss this issue, and I hope that Chairman Lantos will join me in that meeting. And I am glad to see that Ken Kloten

is here again. His testimony last year at the Human Rights Caucus on child prostitution in Asian tourism set in motion the legislation that I would like to speak about today.

Earlier this month, I introduced, with Representatives Ramstad and Bliley, H.R. 3993, The Child Sexual Abuse Prevention Act of 1994. The bill was approved by the Judiciary Committee on Friday and will be taken up by the House tomorrow as part of the Crime Bill.

Our legislation strengthens barriers against international trafficking in child pornography and makes it illegal for U.S. citizens to travel to foreign countries for the purposes of engaging in sexual acts with minors that would be illegal if the acts were committed here in the United States.

The number of children involved in prostitution, as both of you have already indicated, both in the United States and abroad, is just shocking. Child advocates estimate that as many as 40,000 girls in the Philippines; 800,000 in Thailand; 70,000 in Taiwan; 400,000 in India; 30,000 in Sri Lanka, mostly little boys; and 25,000 girls in Brazil's Amazon mining camps are involved in prostitution.

In testimony before the Congressional Human Rights Caucus last year, we were told that children often come from desperately poor families in remote rural areas or urban slums. Some are sold into the sex trade by their families. Others are kidnapped or lured by traffickers with offers of domestic work and employment, as you have already pointed out. They often find themselves in foreign lands, without money, not knowing the language, with no way out.

A study in Thailand found child prostitutes serving an average of three customers a day, 6 or 7 days a week, every week of the year. There are towns in the Philippines, Thailand and Sri Lanka that are internationally known as sex tourism destinations.

A majority of the prostitution is for domestic markets, but there are also organized international sex tourism from countries like the United States, Germany, Australia and Japan. Many agencies in the United States organize sex tours, serving thousands of customers a year, with package deals including airline, hotel, food and transportation. Customers may choose an "escort" for the duration of the tour, or change "companions" from day to day, or simply follow the recommendations of the tour agency about local brothels that they patronize.

In fact, I was involved in a television show where we actually saw an individual who puts these tours together interview various people that wanted to solicit and find out all the gory details of what might be made available to them if they participated in the tour. It is absolutely incredible that these are able to be organized here in the United States for the purposes of abusing young boys and young girls. It is astounding that that goes on today in our country.

One such organization wrote in its newsletter, "This is a form of commercial sex. Subtracting the hotel portion from your tour price, you will spend less per day than on a date with a 'nice girl' back home that ends with a kiss on your cheek and her door in your face." I have met with investigative reporters who taped a tour op-

erator making promises of sex with girls 15 years old or younger for the right price.

It is outrageous that U.S. citizens are allowed to travel abroad for these purposes. Some countries have a lower age of "consent" for minors, or lax laws or enforcement against prostitution. But sex with children is harmful and immoral, regardless of local laws. U.S. citizens and tour agencies should not be allowed to fuel an international industry that results in physical and psychological abuse of tens of thousands of children. The damaging consequences of this abuse can last a lifetime.

U.S. criminal law, under the Mann Act, makes it illegal to transport a minor for the purposes of prostitution or abusive sexual practices. Our legislation would simply amend this provision to make it illegal to travel or conspire to travel in foreign commerce for the purposes of sexual acts with minors that would be illegal if they were conducted here in the United States.

Additionally, our legislation would make it a felony under U.S. law for any person outside of the United States to produce or traffic in child pornography, with the intent that those materials be imported into the United States. Tens of thousands of children around the world are victimized in this trade, which is often conducted by individuals and agencies that are also involved with child sex tourism.

Finally, our legislation urges states in this country to enact legislation prohibiting the production, distribution and possession of child pornography. I am thoroughly convinced that our legislation is an essential first step in eliminating the scourge of traffic in child pornography and international tourism for sex with minors, which damages thousands upon thousands of innocent young lives each year, both in the United States and throughout the world.

I would urge members of this committee to support the language of H.R. 3993 when it is considered as part of the crime bill, and I would like to thank you again, Mr. Chairman and members of the committee for your work on bringing abusive practices involving children to the attention of the Congress of the United States and the American people.

One last thought I had. As I mentioned at the beginning of my testimony, I had asked—actually, we have been working trying to get meetings with various Ambassadors from the countries where these practices take place. I would welcome the participation of you, Chairman Lantos, or Mr. Smith and Ms. Meyers and anybody else in the Congress that would choose to participate in a meeting. It has been very difficult to set up meetings with these Ambassadors to get them to come together.

But, I do think that if we have a meeting with the Ambassadors of these countries and ask them to confront the problems of the information that these human rights organizations have provided us, and ask them to investigate in their own countries these kinds of practices, and to give us back their thoughts on exactly what their countries are doing to try to clean up these patently immoral practices, that that might go a long way toward bringing these issues to light. And I think if they stand up to the light of day, that will have an enormous deterrent effect on those individuals that choose to participate in these kinds of activities to begin with.

So, I would ask you to join with me. We have this one meeting with the Thai Ambassador. But, I would ask you to join with me in perhaps writing the Ambassadors of other nations that are involved in these practices and perhaps setting up a meeting where we could confront these immoral practices that are going on.

[The prepared statement of Mr. Kennedy appears in the appendix.]

BIPARTISAN EFFORTS TO PROTECT CHILDREN FROM EXPLOITATION

Mr. LANTOS. Congressman Kennedy, let me first congratulate you, both for your leadership and for the legislation you introduced. Let me pledge to you my full cooperation in working with you on attending these meetings, setting up these meetings, and seeing to it that your legislation becomes the law of the land.

Mr. KENNEDY. I appreciate it, Mr. Chairman.

Mr. LANTOS. You deserve our praise and our gratitude. As you know, in an earlier incarnation when I chaired the Subcommittee on Labor at HUD, one of the issues that we dealt with at great length was child labor, and I found that perhaps the most effective single device in dealing with child labor in this country was adverse publicity. And I think you are on the right track, because even if it proves quite difficult to enforce some of the provisions of this legislation—because clearly an individual can claim to be going to Thailand to look at ancient ruins, while the real purpose of the trip is actually very different—the adverse publicity that travel agencies that organize sex tours will receive will be a deterrent. And I think you are onto something very significant and all of us will want to join you in this effort.

Mr. KENNEDY. Thank you.

Mr. LANTOS. Congressman Smith.

Mr. SMITH. Chairman, I want to join you in thanking Joe Kennedy for his excellent presentation and leadership on this issue. I would like to join you on those meetings and those efforts to meet with Ambassadors. And perhaps even with Mr. Shattuck's office, we might whenever there is a foreign minister, prime minister, any high official from one of these countries that is so bad on these issues, if we have the heads up soon enough, we might be able to work it into our meetings with these people.

Mr. KENNEDY. I think you are absolutely right. As a matter of fact, I just wrote myself a note to bring it up with John Shattuck and, of course, I was looking at the wrong sheet of paper. So, anyway, I think it is an excellent idea. And I think that given the difficulties that we have had in trying to set up the meetings, that maybe if we try to coordinate through John's office in setting up those meetings, that it might be more effective.

Mr. SMITH. Thank you. You said one thing—and I would really request—because it has been a bipartisan effort, I mentioned the problems that we have been having with the administration's interpretation of the Child Protection Act, which again was enacted with democratic sponsorship, with Republicans joining in. It has been a reinterpretation of the nation's child porn laws that was so outrageous that the Senate voted 100 to nothing to repudiate it. And yet, the administration continues to persist in court.

Just to give this—you and perhaps others in this audience, this is describing one tape and it is a very short—this was right from the Court of Appeals' opinion. But, it gives you an idea of what the administration says ought to be OK and this man Knox ought to go free. If he goes free, they will line up like ships one by one, you know, getting ready to try to get their conditions appealed.

Mr. KENNEDY. Mr. Smith.

Mr. SMITH. Yes.

Mr. KENNEDY. I would—as I mentioned to you, I have a hearing that started that I am supposed to be chairing 20 minutes ago.

Mr. SMITH. Of course. We appreciate—

Mr. KENNEDY. So, I really am going to have to leave. I know the issue—just a very little bit about the issue that you bring up. I understand that the administration's position is trying to deal with the definition of pornography that both provides some protections, as well as some advertising issues, in terms of some of the ads that you see on television these days. I think they are going to have an enormously difficult time in actually getting wording that covers pornography, that allows individual advertisers to go ahead. I mean, if you just look through—my wife had a Cosmopolitan the other day and I looked—I could not believe it. But, it looked like it should be classified in some ways as pornographic.

But in any event, the fact is that I think it is a very difficult issue to come up with the kind of wording that provides the protections that all of us are looking for and both in terms of the Constitution, as well as in terms of antipornography. As somebody once said, you know pornography when you see it. And that sort of seems to be the overall guideline that people are looking to try to enact in legislation. It is a difficult thing to do.

Mr. SMITH. Just let me say, during the 1980's, as you know, we strengthened the child porn laws. If I recall, the vote was almost unanimous. It was well thought through. It was not done in any way in a frivolous way, and conviction after conviction after conviction was obtained under the standard. The Justice Department, last year in the fall—in the spring, had reargued the position only to reverse itself 180 degrees in the Knox case.

Mr. KENNEDY. I just do not know that much about it.

Mr. SMITH. OK. Well—

Mr. KENNEDY. If you would—if you would not mind excusing me at this time, I just—

Mr. LANTOS. We certainly do.

Mr. KENNEDY. I just have to run.

Mr. LANTOS. We appreciate your remarks.

Mr. KENNEDY. Thank you, very much.

Mr. SMITH. Let me just conclude on this, Mr. Chairman—and thank you for your testimony, too. And I hope, you know, from this hearing—I mean, we worry about what is going on in other countries. But, we ought to be worrying about what we do in this country as well, so that we do not again become complicit. And some of the descriptions of what is on these tapes of young girls as young as 11 years old are horrifying, and yet, this is what the administration says ought to be permissible. And I would hope that we would very aggressively get this reversed. Thank you.

Mr. LANTOS. Congresswoman Meyers.

Mrs. MEYERS. No questions.

Mr. LANTOS. Congresswoman Snowe.

[No response.]

I want to welcome our distinguished Assistant Secretary. As you take your seat, let me thank the staff that prepared this hearing, particularly Beth Poisson, who has had excellent assistance from Alex Arriaga, the Congressional Human Rights Caucus, as well as other members of the staff.

U.S. HUMAN RIGHTS POLICY AND CHINA

Before you begin, Mr. Secretary, let me say a word about the recent trip to China undertaken by you and Secretary of State Warren Christopher. I want to salute both of you for standing tall and fighting vigorously for human rights. I have nothing but contempt for those members of the American business community who join the Chinese Communist regime in an avalanche of criticism of Secretary Christopher and yourself. They are wallowing in the filth of a totalitarian regime. They do not even deserve contempt.

I earnestly hope that the administration will continue its principled posture. It is self-evident that the Chinese have not begun to meet the criteria established by the President last spring. I hope to God they do during the course of the next 6 weeks. But if they do not, I, for one, expect the administration to stand up for the fundamental principles of human rights on which this nation was founded and make it clear to the Chinese that they simply cannot conduct a profitable trade with us, with a trade surplus of over \$20 billion, while engaging in the persecution of the people of Tibet, forced rapes, forced abortions, forced sterilization, the persecution of Christians of all types, and the use of slave labor for export products.

The United States has some principles to fight for in the international arena. Nothing would be more delightful than to have our European colleagues, and friends, and Japan and other countries join us. It is a disgrace when they do not. But even if they do not, we have to stand up for these fundamental principles of our own country. This country can live very comfortably without importing billions of dollars worth of Christmas lights, Barbie dolls, and running shoes from China.

China has much greater difficulty bringing to fruition its development plans at a time when 38 percent of their exports come to the United States. It is we who have the muscle. It is we who have the leverage, not the Communist regime in Beijing. And I want to express my hope that the President will support you, the Secretary of State, and not those in the administration for whom the highest principle is the bottom line.

I am profoundly sorry that the administration is speaking with divided voices on this issue. Those divided voices add up to an uncertain trumpet. And then, as in Bosnia earlier, an uncertain trumpet guarantees human tragedy and suffering. So may I urge you to stand strong and may I ask you to convey to the Secretary our support, our congratulations and our encouragement. We are proud of the fact that he took this trip. It was the right thing to do.

The Chinese got it straight from the level of the Secretary of State as to what is our human rights position. There is only one

position by the Government of the United States; that is the position enunciated by the Secretary of State on behalf of the President. People in the Treasury and the Department of Commerce, who apparently cannot see beyond the dollar sign, palpably cannot see beyond the dollar sign, ought to be ashamed of themselves for publicly undercutting the Secretary of State in a noble mission on behalf of the American people and the American Government.

So, Mr. Secretary, with this comment on the recent trip, let me welcome you. Your prepared statement will be entered in the record in its entirety, and you may proceed in any way you choose.

STATEMENT OF THE HONORABLE JOHN SHATTUCK, ASSISTANT SECRETARY FOR HUMAN RIGHTS AND HUMANITARIAN AFFAIRS, DEPARTMENT OF STATE

Mr. SHATTUCK. Thank you, very much, Mr. Chairman, for your warm welcome, and introduction and words of support for the President's policy on human rights in China, which I was proud, along with the Secretary of State whom I serve, to carry directly to the Chinese Government at the highest levels in Beijing last week.

I might just add a few words of my own to your introductory comments and note that 275 Members of the House of Representatives and two-thirds of the Senate have gone on record in support of that policy, the 275 Members in a letter to Secretary Christopher before he took off on this trip. I might also note that a recent poll in the *Wall Street Journal* indicates that two-thirds of the American public supports the linkage between trade and human rights, as it has been articulated in the President's policy.

So, I am personally very proud and humble to be able to carry that message and carry it to a government which needs to hear it. And I think we will be very aggressively pursuing the final months of this Most Favored Nation debate with the Chinese Government in the pursuit of the President's policy and the conditions in the executive order, which are reasonable, manageable and should be performed in order for MFN to be extended. So, thank you, very much, for your words.

Mr. LANTOS. Mr. Secretary, before you continue, allow me just to interject that however important human rights are—and in my book, they are very important—what is at stake here is not just the substantive issue of outrageous human rights violations by China, but the very credibility of the Government of the United States of America. We simply cannot allow that credibility to crumble any further, as it did during the initial phases of the crisis in the former Yugoslavia. We spoke very strongly and we did very little until quite recently.

So, my feeling is that this issue now, having achieved the degree of visibility it has, focuses attention on the credibility of the Government of the United States, which has ramifications for nuclear proliferation as it relates to North Korea, Iraq, Iran, Libya, and all of the rogue regimes. We simply cannot say one thing at the highest levels of our Government and do something else because of commercial and other pressures. We have to stand on our principles, even if some chief executive officers of some Fortune 500 companies do not like it.

Mr. SHATTUCK. Thank you, Mr. Chairman. I am proud to appear before you. And let me say that I am also pleased to follow my good friend and Congressman, Joe Kennedy. As he indicated, I have been his constituent for many years.

Mr. LANTOS. How is he as a Congressman? [Laughter.]

Mr. SHATTUCK. Well, let me tell you, the potholes in Cambridge are as bad as anywhere else, but the human rights are better than in many other districts. He is a great Congressman.

And I am pleased, as always, to appear before you; your championship of human rights causes is legendary, of course; and Mr. Smith and I have had many discussions of serious human rights issues, particularly in China; and Representative Snowe has provided strong leadership on the issues of women's rights, in particular, in the context of our overall human rights work, and she has really had a great deal to do, I think, with the focus that we have given in the Clinton administration, and particularly in my Bureau, to issues of women's rights, incorporating them into the mainstream of U.S. foreign policy as it relates to human rights. And I think this hearing is, in many respects, precisely responsive to that. I am also pleased to appear here with Dorothy Thomas from Asia Watch, whose report has, in many ways, sparked the hearing that you are having here today; and with others who are going to be participating.

When we think of victims of human rights violations, Mr. Chairman, the image that often comes to mind first is of a political dissident being interrogated, tortured, and left in a dank cell. But that is only one part of the picture. The recent Asia Watch report on the trafficking of Burmese women to Thailand deepens our understanding of human rights and personalizes our concern. As a result of this report, our picture of human rights victims is expanded to include people such as a 13-year-old Burmese girl named Lin-Lin—sold into a modern form of slavery by her family, who may or may not be aware of the fate that awaits her, then trafficked across the Thai border by profiteers, hustled into a dingy Bangkok brothel of concrete beds and cubicles where she is forced into prostitution, without education or medical care, with little hope of escape or of a brighter future other than an overwhelming likelihood of contracting AIDS. Her plight may not make the front pages, but it certainly should, and she is the reason why we are here today.

Mr. Chairman, in my testimony, I have covered a number of topics relating to the issue of women's rights in the mainstreaming of human rights and foreign policy. I would like to move directly in my prepared remarks to the topic that is most urgently before us, and that is the trafficking in women and children.

Child prostitution and the trafficking of women and children are not only abhorrent to the United States, they are a violation of fundamental human rights principles set forth in the International Covenant on Civil and Political Rights and the Convention on the Suppression of Traffic in Persons and Exploitation of the Prostitution of Others. The 1993 Country Reports on Human Rights Practices, prepared by my Bureau, chronicle these activities in many countries, including Burma, Thailand, India, Bangladesh, and the Philippines.

But this is not just a Third World problem: some of the women victimized by this practice are reportedly sent to Japan, Cyprus, Belgium, and other Western countries. And we should by no means think of ourselves, as the testimony of my good friend Joe Kennedy has indicated, as immune from that process at all. We are also, of course, very much aware of the fact that there are many individuals from our country who are participating as clients in this egregious human rights abuse.

The picture that emerges from our human rights report and from the book produced by Human Rights Watch is of a desperate situation. Many of the women contract AIDS. Most are unable to ask for help because they cannot speak the local language, do not know where they are, fear the retribution of brothel owners, and, as illegal aliens, have few legal rights. Sadly, many women become involved in prostitution with the complicity of their families.

In Burma, the problem is compounded by other egregious human rights violations. Many Burmese women trafficked into prostitution come from areas of civil war where government soldiers have conducted a violent campaign against the civilian population. Many are afraid to go home. The Clinton administration has recently conducted a review of our policy toward Burma. We are taking a more activist approach to encourage the restoration of a lawful, democratic government in Burma, a government more likely to protect its people from the abuses described in the State Department and Asia Watch Reports.

This is a subject, Mr. Chairman, which you and I will be discussing and on which I will hopefully be testifying in the very near future. And I guarantee you that I will be giving the very highest priority to this in my own work and the work of the Clinton administration on human rights.

The primary responsibility for curbing the trafficking of women through Thailand and for protecting women from such abuses rests with the Government of Thailand. Prime Minister Chuan has said that he is committed to addressing the problem of child prostitution in Thai society, and his government has taken some limited steps in that direction. Shortly after the Chuan Government's election in September 1992, it declared that child prostitution would no longer be tolerated. The government spent months drafting legislation intended to stiffen penalties for brothel owners and procurers, especially those involving children. The draft bill, which I am afraid has not yet been enacted into law, would permit the punishment of men who patronize underage prostitutes. The draft version has been passed to the juridical council for review; once approved by the council, it will be submitted to parliament. Unfortunately, the proposed legislative reform has not yet been matched by any serious effort to step up law enforcement actions against traffickers and brothel owners, who continue to operate largely with impunity.

In addition to proposing legislation, the Chuan Government is considering other steps to address the trafficking problem. Last year, welfare and occupational centers were set up to provide training for young people in the North, in an effort to remove incentives for entering prostitution and to rehabilitate prostitutes who return. The Thai Government also hopes that the decision this year to extend compulsory education from 6 to 9 years will deter some young

girls from migrating to urban areas as prostitutes. In addition, the government has launched an educational campaign on social values designed to persuade parents not to sell their daughters into prostitution.

These are all welcome measures, but they are not enough. And for that reason, earlier this month, I traveled to Thailand to urge the Thai Government to take more aggressive actions to promote the welfare of women, including fighting against trafficking and child prostitution. I discussed these issues with the Deputy Prime Minister and with the Ministers of the Interior and Foreign Affairs. I discussed the new measures the government is taking and I raised the urgent necessity of investigating and prosecuting offenders. I also discussed the health problems inherent in prostitution, particularly ways to prevent the contraction of HIV. My interlocutors assured me that women's issues were a high priority for the Thai Government, not only in the area of trafficking and prostitution, but also in terms of promoting equal opportunity in the workplace. These issues, and related problems of workplace safety and child employment, are now firmly on our bilateral agenda with Thailand, and we will be pursuing them very vigorously.

We are also addressing the sexual exploitation problem programmatically, and I had an opportunity to review firsthand new U.S. programs in Thailand. The Peace Corps sponsors an AIDS awareness program in brothels, and USAID recently established an AIDS prevention program, which provides AIDS education to both brothel workers and patrons, as well as helping prostitutes find alternative forms of employment. USAID also provides scholarships to keep high-risk girls in school. This year, it is funding a study to see how young rural women with little education can find employment in the telecommunications industry as technicians—a heretofore male profession. In addition to these programs in Thailand, the State Department provides nearly \$1 million in assistance to Burmese refugees in the border area.

Beyond direct assistance and educational efforts, we urgently need to encourage countries in which trafficking of women and children goes on with impunity to enact new laws, and to enforce existing laws. A particular target of this stepped-up law enforcement should be government officials who participate in or condone trafficking, as well as brothel owners and traffickers, themselves. Additional efforts must also be made to assist victims with counseling, health services, training, and alternative economic opportunities. The reason why child prostitution and trafficking continue to flourish in the face of legal prohibition is that the real offenders, the people who make money out of this traffic in women's bodies and lives, are not arrested. Arresting the exploited women and girls does nothing to stop the practice, and only punishes the victims. On the contrary, fear of arrest is one of the factors that chains women to the brothels.

The trafficking of Burmese women and children into Thailand is just one manifestation of a problem that crosses geographic boundaries. As part of our new focus on this issue, the Clinton administration is initiating a number of important new actions to combat the problem worldwide.

First, as we begin our human rights dialogue with Vietnam, we are including this issue squarely in our discussions.

Second, and perhaps most importantly, in December, 1993, all embassies were instructed by the Secretary of State to screen the human rights records of all candidates for U.S.-sponsored training and education. This includes military and police training, antinarcotics training, foreign faculty appointments to defense schools, USIA programs, and other U.S.-sponsored training. The State Department instructions to posts now explicitly indicate this screening should cover involvement in the trafficking of women and children.

Third, human rights training is now being included in some IMET programs. The State Department is working with the Department of Defense to ensure that the rights of women are fully addressed as part of this training. The issue of trafficking is expressly addressed.

Fourth, similar training of U.S. employees is equally important. My Bureau runs seminars on human rights for State Department officers assigned abroad, as well as for personnel from other agencies, including DOD and DEA. We regularly invite NGO's to address these classes and their input has been invaluable.

Fifth, the 1994 Country Reports will emphasize violations of women's human rights, with special attention to the role of government officials in the trafficking of women and children. Such information has not been sufficiently collected or reported in the past, and it is the key to the to the problem of lax law enforcement and impunity. Embassies have been asked to report more extensively on patterns of trafficking, so that we can trace both where the women are coming from and which countries they are being sent to.

Sixth, there have been allegations that some of the women lured into prostitution are destined for the United States. My Bureau is now working with the Bureau of Consular Affairs on guidance to embassies regarding screening visa applicants. Under U.S. law, persons who traffic in prostitutes are ineligible to receive U.S. visas. We will work with the Consular Affairs Bureau to develop methods that will help our embassies identify traffickers, so that we can block their entry.

These are just some of the new steps the United States can take on its own. We will also engage other countries in our efforts to attack the trafficking problem. In that regard, I raised the issue in my most recent trip to Japan, with the Japanese counterparts in the Ministry of Foreign Affairs, taking note of the fact that there were a number of well-reported instances and a large number of individuals who have been trafficked to Japan from Thailand, Burma and other countries in Southeast Asia.

Mr. LANTOS. May I just stop you there for a second.

Mr. SHATTUCK. Yes.

Mr. LANTOS. Tell us about your counterparts in the Japanese Government, because to the naked eye, Japanese involvement in human rights is invisible. So tell us who these people are, what level they occupy in the Japanese Government, what their influence is.

Mr. SHATTUCK. Well, the Ministry of Foreign Affairs in Japan has an International Organizations Bureau, similar to the Human Rights Bureau here, and it has overall jurisdiction, as is the case in most other countries in the world, for human rights issues. I would be, I think, greatly overstating the case if I said that the International Organizations Bureau was engaged in a broad and aggressive set of actions on the subject of human rights. On the other hand, I think there is an interest that is now being expressed to us directly by the Japanese in learning more about our own human rights work and working in coordination with us, as they do in a number of international contacts—certainly at the U.N. Human Rights Commission.

Mr. LANTOS. Is this purely an academic interest or does it have any policy ramifications? Because, they seem to have had very little difficulty in comprehending much more complex issues than fundamental respect for human rights.

Mr. SHATTUCK. Well, I had said before that I would be overstating the case if I said that they were engaged in aggressive enforcement and activity around the world on human rights work. They do generally vote on a pro-human rights agenda in the U.N. Human Rights Commission in the Third Committee of the U.N. General Assembly, and they were quite helpful in the World Conference on Human Rights in Vienna. I think you see most of their work in a multilateral context. We are going to urge them to engage much more in the bilateral context, both on human rights and generally on the building of democracy. Clearly, they can play a key role in Asia.

Mr. LANTOS. Would I be safe to assume that during the visit of the Japanese Prime Minister to Beijing, the human rights issue will not be raised?

Mr. SHATTUCK. No, I think that is not the case. In fact, Mr. Chairman, both I and the Secretary of State very substantially briefed the Japanese; he, the Foreign Minister, and the Prime Minister and I, the International Organizations Bureau, on our own ending trip.

Mr. LANTOS. That was not my question, Mr. Secretary.

Mr. SHATTUCK. No, I understand.

Mr. LANTOS. I believe you that you briefed them.

Mr. SHATTUCK. Right.

Mr. LANTOS. My question is: would I be safe in assuming that they did not put it on the agenda?

Mr. SHATTUCK. Well, we were told they put it on the agenda. I cannot tell you exactly how effective they were. I think we will only see as time goes on. But, I think we want to encourage the Japanese to become partners with us and other countries who have a strong human rights agenda, and that was the purpose of my trip to Japan. And I am not at all disappointed by their openness and willingness to discuss these issues. I think their approach to human rights is certainly not yet or very much on the same tonal and organizational wave length as ours, but we certainly hope that it will become more active.

Let me just conclude my opening statement, Mr. Chairman, by saying that we will be working, not only in terms of our efforts with other countries on a bilateral context, but in a multilateral

context, to strongly urge that violations of women's human rights, including trafficking in women and children, be high on the agenda of the U.N.'s Fourth World Conference on Women, which, as you know, is currently scheduled to be held in Beijing in 1995. The United States will also urge that the newly created Special Rapporteur on Violence Against Women, which was, in large measure, a result of our own advocacy at the World Conference on Human Rights and the work of the Canadian delegation, take up the issue of trafficking as well.

Mr. LANTOS. I would like to explore with you in closed session the likelihood of changing the venue of that conference from Beijing to some other location. We succeeded in blocking the Chinese from holding the Olympics in the year 2000 and as long as Chinese human rights violations are at the present level, I think it would be extremely regrettable to have a women's conference in Beijing. I say this because holding this conference or the Olympics there would only add to the prestige of a government that systematically suppresses human rights, but this is a topic that we will explore at another time.

Mr. SHATTUCK. Mr. Chairman, let me just conclude by saying this hearing on the trafficking of women is an important part of the effort to raise the visibility of this long, overlooked egregious violation of women's rights. When the administration, the Congress, and the NGO community join forces, as we do, I think, in this context to protect women's rights, we can substantially advance the cause. Let us continue to work together to help all the victims of human rights abuses, of every age and gender.

Thank you, very much, Mr. Chairman.

[The prepared statement of Mr. Shattuck appears in the appendix.]

Mr. LANTOS. Thank you, very much, Secretary, for an excellent statement. We will begin the questioning with Congresswoman Snowe.

EXPLOITATION OF WOMEN AND CHILDREN AND THE CERTIFICATION PROCESS

Ms. SNOWE. Thank you, Mr. Chairman. Thank you, Mr. Chairman, first of all, for your continued leadership on this very critical issue. And I want to thank you, Mr. Shattuck, as well; for being so responsive in your commitment to address what we all consider to be very reprehensible circumstances involving women and children worldwide. So, I appreciate what you have done.

I am pleased that hopefully this CEDAW Authorization Bill will ultimately become a reality, and included in that is the suggestion that was made by various Members of Congress to agree and coordinate for women's rights issues within the State Department. And I think that that also gives attention to these issues in coordinating, I think, our position as a nation to bring, I think, attention to all of these issues and doing more as we progress.

I am trying to, I think, face some very difficult circumstances. And I know we are ultimately working at it to make sure that we can reverse several things that you have talked about here this morning, and I know that it is not all going to be easy. But, I think the more that we can talk about these issues and pressure other

governments to take specific and concerted actions, the more progress we are likely to make. But, I think if we can have people within the Department constantly focusing, highlighting and bringing attention, underscore the tragedy of these situations and circumstances that exploit women and children, the more successful that we ultimately can be.

As you know, Congress requires the President to certify that certain provisions have been met within each country for promoting human rights before we provide military and economic aid. Do you think that it might be important for the United States to deny certification in a country where sexual exploitation of women and children are consistently practiced?

Mr. SHATTUCK. Well, I think the issue of sexual exploitation of women and children should be very high on our agenda bilaterally with every country in which there is evidence that that practice is going on, and we should seek every means that we can to improve the situation. I think supporting those countries by providing aid and assistance to them targeted for that very practice is the approach that we are trying to take as much as possible, and Thailand is a good example.

Certainly, if a country is completely retrograde and unwilling to engage in any kind of affirmative effort to address this problem—whether through prosecution, through social issues, through medical approaches, through counseling and education programs of the kinds that I have been outlining—then certainly, the cutoff of aid is something that can well be considered.

Ms. SNOWE. In your experience thus far, are there any countries that have refused to take specific actions or acknowledge the serious nature of this problem in their own countries?

Mr. SHATTUCK. I think the two countries on which we want to focus, I would say, are Thailand and Burma. In the case of Burma, it is, in many instances, young women who are being trafficked out of that country, exploited, often their ultimate destination is going to be Thailand. And it is in the context of those two countries where I think we see the beginning of a responsiveness—certainly in the case of the Chuan Government. We think a great deal more needs to be done. In the case of Burma, as I briefly mentioned, we have already basically cut off virtually all forms of assistance. We also have no diplomatic formal Ambassadorial ties. We are going to be much more aggressively pursuing the improvement of human rights in Burma, and that will be a focus of the work of my Bureau.

I cannot yet speak about the situation in some of the other countries because we are gathering information about them.

LAW ENFORCEMENT EFFORTS TO DEAL WITH TRAFFICKING

Ms. SNOWE. Are there any other avenues the administration can explore in this regard? I mean, take action against countries, in addition to what you are already doing, that could be effective with these countries?

Mr. SHATTUCK. Well, I think one of the issues that I raised when I was in Thailand is the concept of a strike force. In the organized crime area, we have devised, I think, some very effective methods of going after intractable criminal problems. And I think the work that we anticipate, we will be doing with both the Justice Depart-

ment and the Bureau of International Narcotics Matters—soon to become the Bureau of Terrorism, Narcotics and Crime—gives us an opportunity to look at a very aggressive form of law enforcement assistance, and a way of attacking these programs—the problems and assisting countries that are willing to boost their law enforcement approach toward the problem.

THE ROLE OF THE UNITED NATIONS IN COMBATING TRAFFICKING

Ms. SNOWE. And finally, what about the United Nations, who devote and spend resources and attention to this issue?

Mr. SHATTUCK. Well, this is an issue that should well be front and center in the agenda of both the new U.N. High Commissioner on Human Rights, which was created by the United Nations this fall. We were very proud to have been in the forefront of the effort to create that post, and I think that gives us a chance now to spotlight human rights abuses of this kind through an ongoing activist approach that that office can pursue in a way that the U.N. Human Rights Commission meeting only annually cannot pursue.

The other area that I would cite is the creation of a new position of Special Rapporteur on Violence Against Women, which was the product of the Human Rights Commission, which just completed its work last week. We will urge the Special Rapporteur to put this issue squarely on the agenda.

So here are two new mechanisms in the U.N. that I think could bring focus to the issue of trafficking and sexual exploitation.

Ms. SNOWE. If there is anything further that should be included in the State Department authorization in terms of in a report language—we are going to be going to a conference after the Easter recess. If there is anything more that you can suggest in that regard that might be helpful to buttress our position, I certainly would be glad to give that consideration and support, and do whatever I can. Because, I think we ought to encourage them in any way possible to highlight and to work on these issues, taking a leadership position. I mean, it is most important. These women and children just do not have any representation.

Also, I think, a lot of it is derived from the fact that there are too few women in the political system in these countries, and as a result, women do not get the support and the attention on these matters. And so, I think the United Nations is obviously another logical vehicle in that regard.

STRONG NGO PRESENCE IN THAILAND

Mr. SHATTUCK. Well, let me just say a word about the strong NGO community that I found in Thailand. We have a very strong NGO community in our own country. But, I was deeply impressed by the extraordinary work that is being done by a number of organizations in Thailand on this very issue; women's organizations with whom I met. I happened to be in Thailand on International Women's Day, and we held a celebration of women's NGO's with the Assistant Secretary of State for Human Rights. It was one of the most moving events and exciting events that I have participated in since I became Assistant Secretary.

I think the greatest hope for attacking this problem, in addition to our own strong work with the Government of Thailand and with

others, is this NGO community. And the role of women in the political system and in the new democracy that is emerging in Thailand, I think as a result of some of the street demonstrations that took place 2 years to topple the military regime, have been led by women. I met with a number of women members of Parliament in Thailand whose number one priority is to attack the issue of trafficking in women and children. These were also the same people who were on the barricades two springs ago.

So, I just put in a plug for them. I want to make sure that we understand that the indigenous grassroots effort to extend human rights is sometimes the most effective and most moving aspect.

Ms. SNOWE. Excellent point. Thank you, Mr. Chairman—again, thank you, Mr. Chairman.

Mr. LANTOS. Congressman Smith.

A SEXUAL CODE OF CONDUCT FOR U.S. MILITARY PERSONNEL ABROAD

Mr. SMITH. Thank you, Mr. Chairman. Mr. Shattuck, I, too, want to join in thanking you for leading the effort to try to get these governments to cease and desist, in the crackdown on these traffickers in women and children. I would also ask you—because I do think we very often in this country complete the loop, very often cash-rich Americans, be they tourists or American servicemen, are a vital part in keeping that despicable trade alive.

I do not know if you saw it, but Reuters had a dispatch on March 13 out of Tokyo, that said an international tribunal found the U.S. military guilty of sexually exploiting Asian women at a hearing in Tokyo and to find ways to prevent sexual violence. They go on to very strongly criticize America. "The U.S. champion of all human rights all over the world stands condemned as the greatest violators of women's human rights," said Corrine DeSouza of the Asian Human Rights—Women Human Rights Council of India. And it goes on to talk about how so many women's lives have been utterly ruined as a result of brothels and other types of settings being established immediately and in proximity to American bases.

I know—I have had conversations with as high as Secretary of Defense—the Secretary of Defense in the past, trying to get them to impose, however hard it may be, a stricter standard of conduct, rather than just trying to say safe sex is the way to go; go out and exploit these women all you like as long as you take precautions, with no real thought for the woman's life at all. I would hope that that would become—you know, you mentioned IMET and the U.S. Defense Department interface there. We ought to be talking to our own military about a standard of conduct that focuses on not exploiting women and children in these various countries. Because, again, we are cash rich. We walk into these places throwing around, you know, dollars and \$20 bills and all the like, and it helps to keep this horrible trade alive. So, I would ask you and plead with you to take that upon yourself.

And secondly, I would ask you to take time to read this amicus brief that we have submitted; 234 members, people from as diverse, philosophical perspectives as Tommy Harken, Nancy Kassebaum, and Jesse Helms, all joining in on this brief saying that the weakening of the child porn statute by the Clinton administration is an outrage. This, again, helps these traffickers in children to complete

the move by finding people who will spend hundreds, if not thousands, of dollars to buy this garbage. And the administration has bought into allowing this to happen and protecting a whole class of child porns.

I cannot believe it. I continue to say "what am I missing here?" as I read through this stuff, that the administration would embark on this horrible course which will lead to more exploitation domestically, internationally of children, mostly girls, but of some boys as well. So, I would ask you to read this very carefully and please weigh in with Janet Reno. We have tried. The Senate has tried. Our amicus brief is trying. There is nothing partisan about this. If the Bush administration was doing this, I would be all over them as well. Because, you know, children are children are children and whoever is joining in the exploitation ought to be condemned.

So, on those two issues, U.S. military and our own backtracking and retreat on child pornography, if you could speak out on that. And, again, I think you are on the right track in going nation by nation by nation and just eyeball, eyeball and do whatever other means to say this is just outside the parameters of any civil and human behavior, and ought to be condemned.

Mr. SHATTUCK. Thank you.

CONGRESSIONAL SUPPORT FOR A SENIOR ADVISOR ON WOMEN'S HUMAN RIGHTS AT STATE

Mr. LANTOS. Mr. Secretary, if I may raise a couple of additional issues. With a number of colleagues, I wrote to the Department conveying my strong support for the appointment of a senior advisor on women's human rights in the Human Rights and Humanitarian Affairs Bureau. And the answer I received from Assistant Secretary Wendy Sherman is quite frankly totally unsatisfactory. Because what Ms. Sherman tells me is that there are women in high-level positions within the Department, which I welcome and support, but that does not address the issue of the specific position that I and my colleagues wrote about. And since her answer fails to state unambiguously the Department's policy on this issue, I assume from what it does not say that the Department is not going to establish a senior position to handle the women rights portfolio in either your Bureau or in the Office of the Undersecretary for Global Affairs.

It is one thing to have women assigned to important career and political slots, and I applaud that, but having a female official in a particular job is not the equivalent of establishing a full-time position devoted to women's rights issues. And although the current senior principle deputy may possess exceptional abilities and qualifications, there is no guarantee that future administrations, or even this one, will continue to follow a similar policy in its staffing pattern. So, I would be grateful if you were to address this issue.

Mr. SHATTUCK. Mr. Chairman, let me speak to that very directly. And I appreciate your bringing it up because it is a very important issue to me, as you can tell from the new and I hope effective focus that we have given to issues of women's rights, not only in reporting on them as we did in our human rights report in the very broad fashion with the instructions that we have sent to our embassies around the world, but also in terms of the actions, the meetings

that we have been conducting, the activities that I and others engage in when we are engaged in bilateral and multilateral relations.

There are three points that I would make about this, Mr. Chairman. One, we seek to mainstream the issue of women's rights in human rights and, more broadly, in U.S. foreign policy. We do not want to separate out and put into a particular single focus mode the work that we are planning to do across the board on women's rights issues. So, I would urge you to consider the mainstreaming issue as an important aspect of this.

Second, I have personally and specifically put my Principal Deputy Assistant Secretary, Nancy Ely Raphel, in charge of the oversight of women's human rights issues that we are working on in a very specific context, whether it be the work on sexual exploitation of women and children, as in this hearing, the ratification of the convention against—on discrimination against women or any other issue of that matter.

Third, as we reorganize the Bureau and become the Bureau of Democracy, Human Rights and Labor, when the State Department authorization bill allows us to do so, we will be expanding our work in the human rights area, focusing on particular countries, as well as the democracy work that we are going to be doing. We will be having more individuals, foreign service officers in the Bureau who will have particular country focuses, and we will have more so-called functional foci: freedom of speech, elections issues, women's human rights, and so on. We will be assigning a foreign service officer at the working level the responsibility for the women's human rights issues.

But that is not enough from my point of view. From my point of view, it is much more important or equally important to mainstream this issue across our work and to put a person at the very senior level, in addition to myself, in a supervisory capacity. We could welcome the passage of the Snowe legislation, which would, in fact, create perhaps an additional position that we could have. But whether or not that passes, I want to assure you, Mr. Chairman, we are going to be giving this all the focus that it needs at the highest level, as well as at the working level.

THE STATUS OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Mr. LANTOS. Mr. Secretary, last year the administration announced its intention of seeking speedy ratification of the Convention on the Elimination of All Forms of Discrimination Against Women. A year later, there is still no ratification. Why?

Mr. SHATTUCK. Well, that is a very easy answer I can give to you, Mr. Chairman. I think the track is as follows: the Convention on Racial Discrimination is now pending in the Senate Foreign Relations Committee. Hearings are scheduled for the end of this month. They had been scheduled for this week, but I gather they have been moved to adapt to the Senate calendar, either to the end of this month or early April.

We are prepared and fully ready to go forward with the Convention to Eliminate Discrimination Against Women immediately. But the Senate Foreign Relations Committee would like to have the

hearings on one convention before they move on to the consideration of the second convention. We will be taking the CEDAW convention up immediately after the hearings are completed on the race convention.

We are at the same time, Mr. Chairman, and perhaps equally pertinent to this hearing, conducting a very rapid and expedited review of the Convention on the Rights of the Child to advise the President on his, we hope, ability to sign that convention at a very early date. That should be completed later this spring. We are also working very rapidly to complete a review on the American Convention on Human Rights, because, as you know, there is a global—or rather a hemispheric summit that will be coming up later this year and we want to have that convention prepared.

So these are all on track. And I want to assure you that the women's convention is right there and ready to be moved on as soon as the Senate Foreign Relations Committee meets its hearings on the race convention.

Mr. LANTOS. So, it is reasonable for me to assume that that will be completed before we break for the summer recess?

Mr. SHATTUCK. Certainly, the hearings will be. I cannot tell you how quickly the Senate will be able to move to complete its work on the convention; but I would certainly hope as expeditiously as possible.

Mr. LANTOS. Is Secretary Christopher urging Senator Pell to schedule this?

Mr. SHATTUCK. Yes. Oh, yes. There have been extensive discussions between the State Department and the Senate Foreign Relations Committee on this. And I do not want to make it sound as if the Senate Foreign Relations Committee is dragging its feet. I think they want to take up one set of hearings after another, and we think that is a reasonable way to approach it.

Mr. LANTOS. Mr. Secretary, let me thank you for an extremely candid and straightforward and eloquent presentation. I need not tell you how strongly some of my colleagues and I feel about the sexual exploitation of women and children, and how important we view the placing of this issue very high on the agenda of our Government. I particularly want to urge you to again approach the Government of Thailand and Burma—and I am very pleased you are going to Burma on this issue—because we will keep the spotlight on the Government of Thailand as long as Thailand is a haven for the exploitation of children for sexual purposes. This will be embarrassing for Thailand. It will not be desirable for U.S.-Thai relations. But, we will not blink. The issue will need to be resolved by Thailand in Thailand.

Thank you, very much, Mr. Secretary.

Mr. SHATTUCK. Thank you, Mr. Chairman.

Mr. LANTOS. I look forward to seeing you on Thursday—

Mr. SHATTUCK. On Thursday, right.

Mr. LANTOS [continuing]. On China.

Our next witness is Dorothy Thomas, Director of Women's Rights Project at Human Rights Watch. And I would also like to ask Professor Klothen to join us on this same panel. Your prepared statements will be entered in the record in their entirety. You may pro-

ed any way you choose. Ms. Thomas, we will be delighted to hear from you.

STATEMENT OF DOROTHY Q. THOMAS, DIRECTOR, WOMEN'S RIGHTS PROJECT, HUMAN RIGHTS WATCH

Ms. THOMAS. Thank you, Mr. Chairman. As usual, it is a pleasure to appear before you. I would be remiss if I did not thank you for your leadership on this particular issue, and on the integration of women's human rights into U.S. foreign policy more generally. You have been one of the chief congressional proponents of raising the visibility of women's rights before this body and before the administration, and I know that I speak for many of us active in women's human rights in thanking you for that leadership. I am also very honored to follow Assistant Secretary of State Shattuck, who gave a very eloquent testimony about women's human rights, and to be on a panel with Professor Klothen as well.

Much of what I wanted to say today in terms of focusing on the problems of trafficking in Burmese women and girls, and other women and girls throughout the world, has been covered by many of the other panelists who have made specific reference to the report I, myself, published on this issue. So, I will not reiterate much of that, except for to say that one of my chief concerns—

Mr. LANTOS. Let me specifically compliment you on your publication. Because, I learned a great deal from it, as obviously did many other Members of Congress, and we are deeply in your debt for producing this horrifying, but enormously informative, evidence to us.

Ms. THOMAS. Thank you, Mr. Chairman. I think the real credit goes to the women's rights activists in Burma and Thailand who were very courageous in speaking out to us about these problems and enabling us to publicize them internationally.

I think I simply want to focus particularly the extreme rate of traffic of Burmese women and girls into Thailand. You, yourself, already mentioned that we estimate somewhere around 20,000 Burmese girls are currently in forced prostitution in Thailand today. That business has resulted in a very systematic and quite sophisticated recruitment process, where recruiters from Thailand, and sometimes from Burma itself, go into very remote villages and recruit the women and girls. They are largely preying on what is extreme economic degradation in Burma, and in particular on the subordination of women in that context, and using that depravation, in essence, to lure the women and girls into prostitution in Thailand. They frequently provide a cash advance in that regard. Once the women and girls are brought into Thailand, they are sold into prostitution under the conditions that you spoke of earlier. And the money that was advanced originally to them or parents, is lorded over them as a way of compelling them to prostitute themselves in order to work it off. The conditions of this prostitution, speaking as someone who has worked on women's human rights violations steadily for 4 years now, amounts to some of the most horrible things I have ever seen in my entire life, and some of the most extreme forms of human rights abuse against people who are in absolutely no position to resist in any way, shape or form.

However, Mr. Chairman, I am most concerned and would like to draw your attention most particularly to the role that the Thai Government itself plays in this particular abuse. We are extremely alarmed and concerned to find that Thai border police and Thai police more generally play a direct and indirect role in this traffic in Burmese women and girls. We found that border patrol police take bribes to let the women go across the border into Thailand, that police are often engaged directly in the traffic of the women and girls, either into Thailand itself or right into the brothels. Not a single woman or girl that we interviewed failed to state that she had policemen as a client. These police cheats were visiting brothels where the girls were confined, where they are compelled to have sex; where there is no capacity for them to resist; where resistance is met by violence from a brothel owner or by a threat of arrest for illegal immigration. It is in these same brothels, the girls report having local police, who are in the business allegedly of protecting them against this abuse, as their clients.

And finally, the State Department, itself, has reported—not only last year, but in this year's Country Reports—on the degree to which the Thai police take payola or bribes from the brothel owners to allow these horrendous institutions to operate and operate in a way that they do.

We are extremely concerned about this direct role of the state in the traffic of Burmese women and girls. But, we also would like to raise to your attention the fact that although the Thai Government, as Assistant Secretary Shattuck said, has agreed to crackdown on forced and child prostitution, in fact, what is really happening is that they are exempting their own officials and, in particular, the border patrol and the local police from any kind of accountability for their involvement in the traffic of Burmese women and girls. Instead, they are focusing on the victims engaging in the arbitrary and quite routine arrest of these women and girls and their summary deportation back to Burma.

As you are well aware, the situation in Burma is not one that encourages any kind of positive claim in the area of human rights. The women and girls are often subject to arrest on return. This is a cycle of poverty and exploitation of women that has unparalleled virtually any other human rights abuse. And in particular, I want to draw your attention to the role that governments are playing in exploiting this poverty and the sexual sale of women for the purposes of forced prostitution.

I think that this problem, as you and many of the other panelists have stated, is not exclusive to Thailand and Burma. We also have done work on this in Pakistan, India and Bangladesh. I am in the course of doing three other reports on the traffic of women and girls in other countries, including countries outside of Asia.

In the case of Pakistan, we looked quite closely at the influx of Bangladeshi women into Pakistan. We estimate somewhere between 150 to 200 coming across every single month. These girls are sold on the market for somewhere around \$1,600 a piece. They are again, compelled to prostitute themselves. What makes the situation in Pakistan particularly egregious is that extramarital sexual activity, including prostitution, can be punished by up to, and including, stoning to death. This brings a very severe penalty on the

heads of the girls who are suspected of prostitution, even though they have been compelled into it.

What you find, again, is that the Government of Pakistan, instead of going after the traffickers or their own officials who are engaged in taking bribes from brothels, goes after the women and girls, arrests them, often arbitrarily, usually without warrant, and detains them for long periods of time. In the course of that detention—and this is something I am most alarmed about—the government often refers or remands the women to quasi-penal institutions, which they argue is a form of shelter for the women and girls; but which, in fact, ends in their prolonged and arbitrary detention under situations where there is no oversight by the courts. Unfortunately, it was in one of these so-called shelters that we discovered a prostitution ring operating out of the quasi-penal institution.

I want to focus, Mr. Chairman, the remainder of my remarks, however, on the role that the U.S. Government can play in combating this particular abuse. As Assistant Secretary Shattuck's testimony shows, the Clinton administration has played a very significant role in raising the visibility of these issues as a concern of the U.S. Government, both in terms of our bilateral and our multilateral relationships. He has been very outspoken on this issue at the Vienna Conference on Human Rights and in many other forums since, and Human Rights Watch is very appreciative of his leadership in this regard. However, Mr. Chairman, we feel that there are still very significant problems in the way that the U.S. Government is addressing the problem of trafficking in women and girls, or failing to address it as the case may be, and I will focus on three main areas in the remainder of my remarks.

The first is this: although the State Department deserves an enormous amount of credit for increasing its reporting on violations of women's human rights in the annual Country Reports, there are still some very significant problems in that reporting, and those problems pose very serious impediments for the way this administration tends to deal with this and other women's rights abuse. For example, in dealing with the issue of trafficking in women and girls, the administration codifies this abuse or classifies it as discrimination. On its face, that seems reasonable in a sense that it obviously reflects bias against women and discrimination plays a role in perpetuating it. But to codify trafficking as solely as a discrimination does a serious injustice to the nature of the abuse, and very much impedes the kind of remedy that we can propose for it. In the first instance, discrimination is not as seriously penalized under Thai law as trafficking or slavery.

In the second instance, slavery or a modern form of slavery, as this trafficking clearly constitutes, would not be encompassed by U.S. human rights law; and, therefore, would not be an issue that would be taken up and assessing whether a country is committing a gross pattern or gross violations of human rights. In that sense, the misclassification of trafficking as discrimination, removes it from consideration by the United States under its own human rights law.

And finally, there is a very significant failure on the part of the administration to understand that these women and girls are being trafficked into a form of forced labor.

Mr. LANTOS. Let me just interrupt you for a moment, because I think you made a very important point. And I have taken the decision to advise the State Department with a group of my colleagues that this classification issue will have to be rectified before next year's human rights report is published. It is unacceptable to have these practices listed as discrimination. They will have to be listed, and I am sure they will be listed under the proper category. This is not just a bureaucratic issue. It is a very substantive issue and we are very pleased that you are raising it.

Ms. THOMAS. Well, I am in total agreement with you, Mr. Chairman, and it is a substantive issue. It seems very technical, but, in fact, it affects—

Mr. LANTOS. Sure.

Ms. THOMAS [continuing]. What kind of remedies of available, and the understanding of the world as to what is actually going on here. This is not discrimination. This is a modern form of slavery. And in the course of it, a form of forced labor is a crime. I think that it is particularly important to look at the issue of forced prosecution as forced labor because of the avenues it provides for us as a government in terms of remedies, and I will return to that in the remainder of my remarks.

Mr. Chairman, the issue of proper classification that I just raised to you is significant. But in some respects, it is, as you have suggested, something one can remedy very easily. You move the abuse to a different section, you codify it properly and the deal is done.

This is not so true about a second, and more profound, concern that I have in regard to the way in which this administration is dealing with trafficking in of girls. The State Department has clearly been reporting on trafficking of Burmese women and girls into Thailand, and has been doing so since 1991. The reporting increasingly reflects the direct role of the Thai border guards and the police, not only in engaging and profiting from traffic, but in the complete failure of the Government of Thailand to address that involvement in any way. In essence, you are a pattern of impunity for Thai officials who profit off an abuse that the government says it is doing everything it can to eliminate.

The U.S. Country Reports consistently reflect that role of the police and border guards in this traffic. And yet, during this same 4-year period, the U.S. Government has provided millions of dollars and antinarcotics assistance to the Thai police, including to the border guards, and never in the course of supplying that assistance have they questioned whether it is benefiting any of the officials engaged in the traffic of human beings across that border. That strikes me as a glaring example of a gap between a stated commitment to do something about these issues—a commitment that Human Rights Watch applauds and appreciates—and actually doing something about it.

And I think until we see these kinds of issues translated from a kind of rhetorical denunciation into a significant raising of concern about abuse of women in our aid, and trade and financial relationships with these governments, nothing is going to happen.

These problems are deep; they are intractable; and an enormous amount of pressure has to be brought to bear to put them to an end and, in particular, to end the tendency of governments to profit from them.

This brings me to what I hope we will discuss a little bit in the question and answer period, which are some significant ways in which the U.S. Government can move from simply condemning these abuses, to actually integrating them into their foreign policy with regard to Thailand and other governments in very particular ways. I draw your attention in specific to the way in which U.S. assistance to police and border guards might be conditioned to reflect a concern about the involvement of police and border officials in the traffic of women and girls. In particular, and I am pleased to hear that the administration is considering action along these lines, I would like to consider what process might be put into place to vet U.S. recipients of U.S. training under the antinarcotics program to make sure that they are not, themselves, engaged in the traffic of human beings.

And finally, that there be additional measures, not only in the area of U.S. aid, but also in the area of our trade relationships and our commercial sales. In particular, Mr. Chairman, I would like to let you know that we have been very concerned that in the course of reviewing Thailand's labor practices under the Trade Act, that the administration's review thus far has not included any reference to the problem of forced labor in the area of prostitution. This reflects the failure to classify it properly, as we suggested earlier, but I think also a failure of will—on the part of the administration to integrate a real concern for the traffic of women and girls into the actual places where the policy of this administration is put into practice. And this goes also for the area of commercial sales to the police.

I would put before you, Mr. Chairman, that we have requested the Chairman of the Trade Subcommittee to get from the administration a listing of all the sales to the Thai police that have been licensed by the administration. They did provide such a listing to your counterpart at the Trade Subcommittee, but, unfortunately, that listing was not able to be made public. We would very much like it to be public and request you to join with the Trade Subcommittee chairman in requesting that information to be processed in such a way that it can be publicized and made part of the record of these hearings. We are not interested in who it is that is selling to the police. We are interested in what they are selling, for how much, and in what amount.

I will close my remarks, Mr. Chairman, following on your very pointed and pertinent question to the Assistant Secretary on the subject of a senior advisor on women's human rights. While I agree and share Mr. Shattuck's assessment that there have been great improvements in the way in which this administration deals with women's rights and that Deputy Assistance Secretary, Nancy Ely Raphael, has been very helpful within the Human Rights Bureau in creating some oversight, that is no substitute for making sure that these issues are not raised only in the State Department Country Reports, but are raised in every single part of this State Department and this administration where human rights policy is made.

The Human Rights Bureau is an important, crucial engine for human rights accountability in U.S. foreign policy, but it is not the only one. And we need, in addition to somebody in the Human Rights Bureau, somebody at the level of the Undersecretary who can oversee not only the Bureau's actions, but that of other Bureaus within the State Department and other departments—like Treasury, like Commerce, like Justice—to ensure—like Defense—that women's human rights issues are an intrinsic element of U.S. foreign policy. That will not be done by having a functional person solely in the Bureau of Human Rights and Humanitarian Affairs. And I urge you to continue, and I am most grateful for your continued support that they appoint a senior level official in the Office of the Undersecretariat.

Thank you, Mr. Chairman.

[The prepared statement of Ms. Thomas appears in the appendix.]

Mr. LANTOS. Ms. Thomas, thank you for a most eloquent, and powerful and articulate testimony. We are very grateful to you. Professor Klothen.

STATEMENT OF KENNETH L. KLOTHEN, ACTING EXECUTIVE DIRECTOR, DEFENSE FOR CHILDREN INTERNATIONAL—USA

Mr. KLOTHEN. Thank you, Mr. Chairman. It is most gratifying and humbling to be included in today's hearing.

Mr. LANTOS. Could you pull the mike a little closer?

Mr. KLOTHEN. Certainly. And, in particular, to be able to appear on the same panel, not only with my distinguished colleague, Ms. Thomas, but also with Assistant Secretary Shattuck and Congressman Kennedy. More importantly, however, I should thank you, Mr. Chairman, for your untiring and continued leadership across the entire spectrum of human rights and the U.S. policy. It is one which—it is leadership which those of us in the field outside of government look to with pride and inspiration.

One of the hazards of being the last on such a distinguished panel is that everything of significance that I might have had to say has already been said by others. One of the benefits, however, is that I get to merely summarize my remarks and perhaps gain some gratitude for being brief, if nothing else. And, indeed, I think the points that have been made by the previous speakers have been forceful, eloquent and extremely important for the development of policy.

I would like to focus my remarks briefly on the specific problem of the trafficking in children for purposes of prostitution and the sex tourism that supports that trafficking. There is no doubt that this is a significant, indeed a growing, problem and that it involves countries with which the United States has important diplomatic and commercial ties; and perhaps, most distressingly, that U.S. citizens are involved, not only as sex tourists, but even as purveyors of sex tourism and profiteers of child prostitution and trafficking.

In addressing this issue though, I think it is important to locate the problem accurately if meaningful policy initiatives to attack it are to be developed. And in this regard, I would like to underline

just five issues that I think should be kept in mind when developing policy in this area.

The first, and perhaps the most important, is that child prostitution and sex tourism is just one point on a continuum, a spectrum of violations of children's fundamental rights as they are understood in international law. As the very title of this hearing recognizes, there is a range of abuses involving the movement of children for purposes of sexual exploitation. This includes not only trafficking in children for the purposes of prostitution, but also trafficking in children for the purposes of supplying domestic servants in many countries, for instance, as well as a supply of mail-order brides, many of whom, both domestic servants and mail-order brides, end up being sexually abused by their employers or "husbands" and, subsequently, fall into prostitution.

Secondly, children who are sexually exploited for commercial purposes are also usually exploited in other ways. Ms. Thomas made this point very forcefully. I would just like to underline it. They are cheated out of earnings, they are denied access to education and health care services, they are often prevented from contacting their families. These are violations of other fundamental rights of children, which we have to include in our examination of policy development to combat this traffic.

Third, children are at risk for trafficking and sexual exploitation when their families are mired in poverty, ignorance and isolation. And it should come as no surprise to us that the children who fall prey to the traffickers are, in fact, parts of families who themselves fall prey to the traffickers. And to address the issue of children being trafficked, we have to address the issue of the families that they come from.

Fourth, while there can be no legitimate doubt whatsoever that trafficking in children to meet the demands of sex tourism is a serious problem, victimizing probably millions of children around the world, we must admit that our state of knowledge in this area is still primitive. Reports like the one that Human Rights Watch has done on Burma and Thailand, and I understand is continuing in other areas, are very important. But, we need additional help in gathering reliable and comparable data in this area.

And finally, while some governments are, in fact, guilty of promoting child trafficking, there are many more that have simply failed to take whatever steps are even within their present power to combat this trafficking, and that is an aspect of the reality in the world, which we also need to address, both diplomatically and in terms of our foreign assistance.

Now these factors suggest several overall goals that, I think, policy in the area should aim toward. We need to develop approaches that address this full spectrum that I spoke of, of commercial child sexual exploitation, and do not focus merely on one aspect to the exclusion of others. Secondly, we need to integrate and coordinate approaches that address the exploitation of child sex workers with those that address the exploitation of women sex workers, other child workers, and children who are trafficked for other purposes other than sexual exploitation. Third, we need to initiate development and other programs that promote family preservation and strengthen communities' abilities to care for their own children.

And finally, we need to involve the governments of countries in which children are trafficked and those that produce sex tourists in joint efforts to combat the problem.

And I think there are several specific steps that can be taken now to move in the direction of these goals, and I certainly do not mean to exclude any of the steps that my colleague on this panel, or Congressman Kennedy, or Secretary Shattuck suggested themselves. As I said, I think we need to sponsor the collection of reliable and comparable data in this area. Much of the reporting that we have on child trafficking—on trafficking in children for sexual purposes comes from beleaguered NGO's in the countries who operate under hazardous conditions. Without adequate resources, the data they produce cannot be expected to be comparable country-to-country, and we certainly need better data in order to develop policy.

Secondly, we need to ratify the Convention on the Rights of the Child. It is indeed gratifying to hear Secretary Shattuck say that the administration has initiated an expedited agency review of the convention. However, we need to remember that once we obtain that review, we will only then be at the stage that we were in the Bush administration when that review was completed. We need to move beyond that stage. We need to move forward to signature of the convention and get it into the Foreign Relations Committee for ratification.

Also, we need to do more in monitoring countries' performance in recognizing and implementing children's rights, and we need to use our diplomatic pressure and presence to improve that recognition and implementation. Again, it is gratifying to hear that the State Department's Country Reports are including examination of trafficking of women and children for purposes of prostitution in a number of different countries. But, again, I reiterate, this is only a point on a spectrum, and we need to see more data collection by the State Department and publication in the Country Reports of the full spectrum of the exploitation of trafficking of children.

And finally, we need to criminalize sex tourism. And in this regard, I am very pleased to hear Congressman Kennedy proposing the legislation that he is proposing. Senator Grassley on the Senate side has introduced similar legislation. And I believe that whatever our concerns about the broader civil liberties issues of pornography, we must not allow disagreement in those areas to impede progress on the very narrow area of criminalizing sex tourism.

In general, I think—and I will just close with this thought—that we need to be more creative in the use of our foreign assistance. We need to support the kind of NGO's that I mentioned who are working in this area, and we need to do more than that. We need to link those NGO's to others that are working in tangential areas that are working with other groups of marginalized children, for instance; that are working with women's groups; that are working with the groups of child workers in marketplaces. We need to provide access to all of those NGO's to knowledge and experience that has been developed in this and other countries, again, in tangential areas, such as family preservation for families at risk of sexual abuse, outreach to street children and drug addicted children, pro-

viding services to child workers in the area, access to health care and education.

All of those are things that are being done. They are being done successfully in parts of our country. They are being done successfully in other countries. And we need to provide access to these beleaguered NGO's in countries like Thailand to that kind of knowledge.

So, I would just like to close, again, by thanking you, Mr. Chairman, and by thanking the other members of the committee for their leadership in this area.

[The prepared statement of Mr. Klothen appears in the appendix.]

ENFORCING THE KENNEDY LEGISLATION

Mr. LANTOS. Thank you, very much, Professor Klothen, for an excellent presentation. Let me ask just a couple of questions, if I may. What would be the mechanism you would recommend for enforcing the Kennedy legislation? How would our law enforcement agencies deal with the issue of obtaining proof that American citizens were participating in sex tourism? I am in full support of the goals of the legislation. But, I would like your ideas and the ideas of Ms. Thomas as to how do you see, from a pragmatic point of view, in forcing the provisions of such legislation.

It seems to me that one of the most effective ways of dealing with this issue would be by utilizing many of the women leaders in the travel industry. The American Society of Travel Agents (ASTA) is a very powerful organization with a number of women in leading positions, and I can see involving their participation and cooperation. No self-respecting woman who heads a travel agency would have anything but contempt for these operators and these practices. But from a legal point of view, can you sketch for us ideas that might be helpful, both of you?

Mr. KLOTEN. Mr. Chairman, I agree. As a lawyer, I am not unaware of the evidentiary issues and problems that are involved in this kind of legislation. I also fully agree with you that the ancillary benefits of such legislation in the area of public education and publicity, such as you have described, are very important in and of themselves.

From the evidentiary standpoint—I have not examined the legislation specifically and I would want to; perhaps I can supply you with a more flushed out set of suggestions—but I do know that the NGO's, the NGO's which report to Human Rights Watch, the NGO's that work with the campaign to end child prostitution and Asian tourism, they have a tremendous amount of evidence about specifics of the sex tourism industry which they have collected, which has generally not been filtered back into law enforcement proceedings in this country. And there are likely to be ways in which, with appropriate funding, testimony could be obtained from either those NGO's or even from some of the victims, themselves, in law enforcement proceedings. I think that is something to think about.

Mr. LANTOS. Ms. Thomas.

Ms. THOMAS. I would not add much to that in a sense that I would also have to look very closely at the legislation, itself. But,

I was struck by something Mr. Smith said, which I agree with wholeheartedly, and that is with regard to a different group of U.S. nationals who travel out of this country, and that is those of the armed forces. I think that there is a very serious need to look at the kinds of codes of conduct that are set forth or in the way in which Americans, being themselves overseas in this regard, in the area, for example, of trafficking of Burmese women and girls into Thailand.

The real roots of the sex industry in Thailand, or at least from its most commercial aspect, lie with an R&R agreement made with the U.S. Government during the Vietnam War, which fueled an enormous amount of money into the creation of the recreation industry, which is now the kind of infrastructure for trafficking and forced prostitution in Thailand today. So, I could not underestimate the need to also examine the role of that particular group of U.S. nationals in this problem.

Mr. LANTOS. Let me ask both of you—you were going to say something?

Mr. KLOTHEN. Yes. Sorry, Mr. Chairman. If I might just add that there are other countries—other Western countries, Germany, for instance, who have also adopted legislation in this area, and co-operation with them, either directly, bilaterally or—

Mr. LANTOS. How effective is the German legislation?

Mr. KLOTHEN. Well, it is very new, Mr. Chairman. It is only 1 year old.

IS THE ESSENCE OF THE PROBLEM A LACK OF LEGISLATION OR INADEQUATE ENFORCEMENT OF THE LAW?

Mr. LANTOS. Are the offending countries, countries such as Thailand, do they have legislation on the books dealing with these problems? Is the problem of having legislation adopted, or is the problem of having legislation on the books enforced, or both?

Ms. THOMAS. Well, that is like \$100 question, Mr. Chairman. Because, by and large, in the case of Thailand—and I think Thailand would be easily—you could extend this to just about any country that deals in any significant ways with these problems, at least vis-a-vis their domestic law, there are clear prohibitions on the engagement in trafficking, in the engagement in prostitution, the engagement in child prostitution. The problem is, by and large with some caveats, not the loss, the problem is with the enforcement of the law.

And I think it is in this regard that I would return to what I said earlier about the role of the U.S. Government in providing antinarcotic assistance to the police and border officials. I think one of the most significant ways in which we could really make use of that leverage, vis-a-vis the Thais, is to condition further assistance to the police and border officials under the antinarcotics program on showing: one, that the individuals in the program that benefit from training are actually being—that to ensure that they are not engaged in human rights abuse themselves; but second, and equally importantly, that the Government of Thailand, itself, is, in fact, enforcing its laws prohibiting the traffick of women and girls and others into Thailand, and enforcing those laws with par-

ticular regard to the involvement of their own officials in that practice.

And finally, I think it would do a great service to the victims of this horrendous traffic, if as part of the steps of progress or assessments of progress we might make on the Thais with regard to meeting these obligations, one of them included the complete stopping of the arrest and summary deportation of these women and girls. I think it has not been understood to be arbitrary arrest, which it is. And it is affecting them probably as dramatically as the abuses that lead up to it.

So, I would very much urge this committee to urge the U.S. Government to condition further assistance under the antinarcotics program on showing in these areas. And I think it would greatly enhance the likelihood that the laws which are on the books and which provide very good remedies for these problems would be enforced and enforced fairly.

Mr. LANTOS. Well, let me thank both of you for very significant contributions. And while she was not on the panel this morning, I want to thank Holly Burkhalter for continuing enormously effective leadership on this issue.

Let me assure you that this subcommittee will not rest until we make significant headway in all of these areas. I could not think of a more outrageous practice than the exploitation of women and the exploitation of children, which tragically is as widespread as it is. In this arena, as in so many others, we might find that publicity, embarrassing publicity, may be the single most effective tool that we have at our disposal, and we will use it to the fullest possible extent.

This hearing is adjourned.

[Whereupon, at 12:21 p.m., the subcommittee was adjourned to reconvene at the call of the Chair.]

APPENDIX

TESTIMONY OF

REPRESENTATIVE PAT SCHROEDER

SEPTEMBER 28, 1993

HOUSE SUBCOMMITTEE ON INTERNATIONAL SECURITY,
INTERNATIONAL ORGANIZATIONS AND HUMAN RIGHTS

I'd like to thank Chairman Lantos for holding these hearings. Around the world, women face daily humiliation, discrimination, violence, and atrocities. For example, while a male labor organizer who is tortured by the military is a clear cut human rights case worthy of asylum, a female community organizer who is repeatedly raped by the military is not, in spite of the fact that rape is frequently used as a weapon in war. And a man who kills a woman he has never met is a murderer, but a man who kills his wife because he thinks she is unfaithful or that her parents haven't paid him a large enough dowry is a good husband. Women are believed to cost more than they produce in a lifetime; therefore it is acceptable to kill female infants, not to educate young girls, or to sell them to augment the family income.

Our failures to respond to the physical abuses and discrimination that women face send the message that the United States views the abuse as excusable because it's a domestic issue, or a cultural difference. Abuses against women are not simply cultural differences. An extra chromosome is not a "kick me" sign. For that reason, I have introduced a bill to prohibit the practice of female genital mutilation (FGM) here in the United States. Millions of girls worldwide have genitally mutilated, and they live all over the world. FGM has long been excused as a cultural and religious difference. Such a designation ignores the pain, trauma, infections and serious long-term psychological and physical effects that women who have been mutilated cope with. Outlawing FGM would allow the United States to join the ranks of the four African nations and five Western nations who have either passed special legislation prohibiting FGM or have made it clear that FGM is prohibited by legal precedent or existing legislation. It is time for the United States to change its message.

Historically, women's human rights have not been a priority at the State Department. It was only four years ago that the State Department began including abuses of women's human rights in their annual human rights country reports, and we have yet to make women's human rights an important element in our relations with any country. For example, we currently have 1,980 military personnel in Saudi Arabia in spite of the fact that Saudi women can't vote, drive, or travel freely. These restrictions severely limit the ability of our own female personnel stationed in Saudi Arabia to perform their jobs. Our relations with Kuwait have been business as usual, in spite of the fact that thousands of abused Asian maids have been seeking refuge in their respective embassies for over two years from beatings, rape and slavery.

Women's human rights have been the focus of much attention recently with victories at the United Nations Conference on Human Rights in Vienna, and international condemnation of the use of rape as a weapon in the former Yugoslavia. The Clinton Administration played a pivotal role in promoting women's human rights at the Conference on Human Rights. In fact, Secretary of State Warren Christopher described women's human rights as "a moral imperative." And the Administration made strong statements regarding the use of rape as a weapon in Bosnia Hercegovina and the Kashmir. We hope that these statements signify a new beginning.

Human rights is not limited to physical security. Equal access to economic resources is another area to which the United States has yet to make a solid commitment. In 1973, Sen. Charles Percy amended the Foreign Assistance act to require that the U.S. focus on integrating women into the national economies of developing countries. To coordinate that effort, in 1976 the Office for Women in Development (WID) was created at Agency for International Development (AID). However, it wasn't until 1982 that AID even issued a policy to guide their personnel in implementing the Percy mandate.

Moreover, Congress has had to fight for the mere existence of the WID office as each new administrator has attempted to reorganize the office out of existence. While AID has made significant progress in the past few years, due to the efforts of the WID office, and has a good, well articulated policy on women, the WID program is still plagued by what amounts to no agency-wide commitment to integrating women into AID projects.

Moreover, there are AID and State Department foreign assistance programs that aren't subject to the Percy Amendment, the Europe Bureau, Economic and Security Funds and Food Aid. These programs have absolutely no women's policy of their own. Women in developing countries grow 80 percent of the food, raise one half of all livestock, and are responsible for an overwhelming majority of community projects. It is critical,

therefore, that WID be recognized as a concern affecting all programs and projects in all sectors, Congressional mandate or not. For example, in Eastern Europe and the former Soviet Union women are bearing the brunt of the dislocation caused by the transition from communist to free market economies. While we will send almost \$2 billion to the Newly Independent States this year the State Department has no plan to ensure that women have equal access to those resources, beyond child and maternal health programs.

Integrating women into the development process must be recognized as a concern affecting all programs and projects in all sectors. To be successful at promoting development women must be included in the process, and for women to be included fully all development strategies and initiatives at AID and the State Department must have a clearly enunciated WID component. Clearly, the deficiencies of WID programs and our government's failure to recognize women's human rights have been due to a lack of commitment to these issues at high levels at AID and the State Department. I look to the Clinton Administration to change the message the U.S. has been sending by making the inclusion of women in the development process and women's human rights top priorities.

The Honorable Olympia J. Snowe
 Testimony Before the Foreign Affairs Subcommittee on
 International Security, International Organizations and Human
 Rights
 September 28, 1993

Mr. Chairman, as Co-chair of the Congressional Caucus for Women's Issues, I want to thank you and the Members of the Foreign Affairs Subcommittee on International Security, International Organizations and Human Rights for providing a forum in which to discuss human rights abuses against women.

In many regions of the world, swelling population growth, bleak economic conditions, soaring illiteracy, an increase in religious fundamentalism and the destitution of war have deteriorated the daily lives of millions of women. In Bangladesh, illiteracy and poverty have risen during the past decade. Mahood Hassan, of the Bangladesh Rural Advancement Committee, has said that "Moving from absolutely destitute situations to a level where they can eat three meals a day... (is) a dream for many women." In Rumania, the revelation of forced pregnancies uncovered not only the violation of women, but the neglect of thousands of children.

A report recently issued by the Indian government states, "In a culture that idolizes sons and dreads the birth of a daughter, to be born female comes perilously close to being born less than human." In Bangladesh, girls languish for lack of enough food and medicine because their parents prefer boys. In India, husbands have set their wives on fire because they are unhappy with the dowry. The government documents that there were 5,157 dowry murders in 1991, one every hour and 42 minutes.

In Africa, among many tribes, polygamy is entrenched. With a recent downturn in the economy, one wife, who had eight children, says, "There is a problem with so many wives. ... The man can't help them ..." In Kenya, community health workers report that girls become pregnant by age 12 and married by age 15.

In January of this year, a team of European Community investigators concluded that Bosnian Serbs had raped as many as 20,000 Moslem women and girls as part of a systemic effort to drive them from their homes in humiliation. The team said, "Rape cannot be seen as incidental to the main purpose of the aggression but as serving a strategic purpose in itself.... Many women, and more particularly children, may have died during or

after rape."

In addition to economic and educational inequity, women in developing countries are routinely discriminated against by their country's own laws and constitutional safeguards against discrimination. In Southern Asia, women have few inheritance or property rights, and a husband's property is usually transferred to sons and, only occasionally, to daughters.

In response to the fact that the State Department has no cohesive policy statement regarding women or gender-related issues, I introduced two bills, the Refugee Women and Children Protection Act and the Women's Human Rights Protection Act of 1993, which have been incorporated in the State Department Authorization bill.

Women and children comprise at least 80 percent of the refugee and internally displaced world population, and their safety and particular needs are often the least met. They are the first victims of the conflicts they are trying to escape and the most vulnerable once displaced. As noncombatants, they need to stop being used as human shields, spoils of war and preyed upon by guards at borders and refugee camps by armed and unarmed men.

The Refugee Women and Children Protection Act would require the U.S. government's refugee assistance programs to address the protection and provision of basic needs of refugee women and children. The bill directs the Secretary of State to ensure the full implementation of women refugees in the planning and implementation of the delivery and refugee services and assistance. It provides for the incorporation of maternal and child health needs into health services and the education of refugee women and children.

It mandates data collection that enumerates age and gender and gender-specific training for program staff of the United Nations High Commissioner of Refugees and nongovernmental organizations and the recruitment and hiring of women professionals in the international humanitarian field. The bill also directs the U.S. to use its voice and vote in the United Nations and other multilateral bodies to promote policies which protect and address basic human rights and needs of refugee women and children.

Until recently, both the human rights field and those within the foreign policy establishment working to advance human rights have failed to recognize the extent to which human rights abuses are targeted at women worldwide. Such abuses are often perceived as "social" or "cultural" problems not directly attributable to states and therefore, not relevant to the conduct of state-to-state relations.

Recent research and documentation indicates otherwise. Violence against women and sex discrimination that is sponsored or condoned by states have reached epidemic proportions around the world. Abuses, such as rape and the murder of women's rights advocates are motivated by the gender of the victims. Whether considered from the point of view of numbers of victims or the severity of abuses, violations of women's human rights should be a major concern of U.S. foreign policy.

The Women's Human Rights Protection Act is now part of the State Department Authorization bill. It mandates the State Department to appoint a senior level official for women's human rights within the Bureau of Human Rights to promote the issue of international women's human rights within the United States' overall human rights policy. The bill identifies the responsibilities of the women's human rights advocate.

It includes bringing pressure to bear on governments that discriminate or engage in violence against women, and seeks to assure that the U.S. trade representative conducts inquiries and take steps to prevent countries from receiving trade benefits where governments fail to address human rights abuses against women.

This legislation also works to secure funding for programs that address the needs of women victims of human rights abuses and to assure ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The Women's Human Rights Act also requires the State Department to report to Congress on whether they support ratification of CEDAW (seedaw), and if so, their timetable for submission to the Senate.

As you are aware, I am a strong proponent of CEDAW, which resulted from the U.N. Commission on the Status of Women. In 1979, the U.N. General Assembly adopted the Convention as part of the U.N. Decade of Women. It has subsequently been ratified by 119 nations, and the United States is the only industrialized nation that has not yet ratified the Convention. It has been under review by the State Department for 13 years.

CEDAW focuses on the elimination of discrimination that women experience that diminishes their full exercise and enjoyment of their human rights equally with men in all public spheres: political, economic, social, cultural and civil. A unique feature of this Convention is the fact that it deals with the discrimination women experience solely because of their reproductive capacity and the role culture plays in perpetuating discrimination against women. I urge this Committee to take swift action on my colleague Representative Wooley's bill, H. Res. 38, which urges the President to complete review of CEDAW so

that the Senate may ratify it. If the United States is not a signatory, decisions could be made that would not be in this country's best interests.

Because CEDAW does not mention violence against women, I would also like to discuss the U.S. co-sponsored Draft Declaration on Elimination of Violence Against Women, which was adopted in March of this year by the United Nations Commission on the Status of Women. This Draft Declaration has also been passed by this group's parent body, the U.N.'s Economic and Social Council, in July of this year. It is expected that Canada will bring it before the U.N.'s General Assembly this November.

The Declaration on the Elimination of Violence Against Women recommends criminal penalties and civil remedies; services to ensure the safety and security of victims of family violence; rehabilitation programs for perpetrators of domestic violence and support services for families where incest or sexual abuse has occurred. The State Department has approved this Declaration and the U.S. is supporting Canada in bringing it before the General Assembly.

In bringing my remarks to a close, I would like to note a recent conversation between a Somali human rights advocate, Rakiya Omaar, and U.S. Special Envoy Robert Oakley as reported in the Washington Post. When Rakiya Omaar complained to Mr. Robert Oakley that the United Nations had not provided funding and transportation for women's groups to attend a January meeting of the Somali reconciliation talks in Ethiopia, he conceded that women should have been invited and should have a larger role in rebuilding the country. The point of this anecdote is that women should not be forgotten and abandoned in times of peace or war. I believe that within the U.S. Department of State, there is much that can be accomplished to promote the well-being and equity of women around the globe.

I hope that my colleagues on this Committee will support whatever efforts the U. S. undertakes to alleviate some of the heinous abuses perpetuated worldwide against women and will support universal fair and equitable treatment of women.

Thank you, Mr. Chairman.

FOR IMMEDIATE RELEASE
September 15, 1993

ABC NEWS "DAY ONE" INVESTIGATES FEMALE GENITAL MUTILATION --
CONTROVERSIAL HUMAN RIGHTS VIOLATION PERFORMED ON MILLIONS
OF FEMALE CHILDREN EACH YEAR

100 million women alive today have endured the ritual of female "circumcision" -- genital mutilation -- yet the horror has gone virtually unreported. On MONDAY, SEPTEMBER 20, (8:00-9:00PM/ET) ABC News' "DAY ONE" correspondent Sheila MacVicar investigates the world's most widespread form of torture, which continues to be performed on millions of female children each year - ranging in age from infancy to adolescence - throughout Africa, Asia, the Middle East, Europe and even the United States.

Ms. MacVicar talks to an Atlanta mother and father -- American citizens who were born in Somalia -- about their soul-searching over whether to "circumcise" their two daughters. Their debate centers on whether to betray their culture or force their daughters to endure the suffering and psychological abuse brought on by the procedure, which is not illegal in America. Like many people of their culture, this couple concedes that female "circumcision" has long outlived its original purpose of denying women sexual pleasure and of proving virginity. Completely unlike male circumcision, the practice involves amputation of the female genitalia -- for no medical reason.

Ms. MacVicar travels to Africa and talks to women who are struggling to end this ancient tradition of female mutilation. "DAY ONE" cameras also go inside a Gambian home where "circumcisions" are routinely performed with crude instruments and without anesthesia.

As "DAY ONE" reports, female genital mutilation renders women sexually impotent, leaves them with a legacy of reproductive and urinary problems, and more vulnerable to the AIDS infection. Female genital mutilation is directly responsible for astronomical rates of infant mortality and high rates of maternal death in regions where it is prevalent.

Although the World Health Organization recognizes the practice to be the most debilitating health abuse threatening women today -- the international community has committed virtually no funding toward its eradication.

Tom Yellin is the Executive Producer of "Day One."

Contact: Liz Noyer (212)456-2526
Teri Everett (212)456-3587

"SCARRED FOR LIFE"
by Sheila MacVicar

100 million women and children alive today have endured the ritual of female circumcision -- genital mutilation -- yet the practice has gone virtually unreported. In Africa, the ritual is pervasive; the very definition of womanhood. It is found in Islamic, Christian and tribal cultures but is not required by any religion. Immigrant groups have carried the practice with them. Female circumcision is not illegal in America. It affects all kinds of women; rich and poor, illiterate and well-educated. It continues to be performed on millions of female children each year - ranging in age from infancy to adolescence - throughout Africa, Asia, the Middle East, Europe and even the United States. These women will live with the physical and psychological consequences of this surgery for the rest of their lives. Few will talk about it.

Female circumcision is mutilation. Completely unlike male circumcision, the practice involves amputation of the female genitalia. There is no medical reason for the procedure. According to the World Health Organization, there is no single practice that has had such a dramatic negative effect on health in the broadest sense. Female genital mutilation renders women sexually impotent, leaves them with a legacy of reproductive and urinary problems, and more vulnerable to the AIDS infection. Female genital mutilation is directly responsible for astronomical rates of infant mortality and high rates of maternal death in regions where it is prevalent.

Women of these African and Middle Eastern cultures concede that the practice has outlived its original purpose -- denying women sexual pleasure and of proving virginity -- yet they are forced by tradition and cultural pressure to subject another generation to the same horror. In a report for ABC News "Day One" a Gambian woman explains, "if you don't circumcise your child she's a stranger amongst the rest of the community...she may be mocked by her friends; they call her unclean...she's an outcast." Another African woman lamented "pain is part of womanhood, we women are here to suffer."

A courageous few of these women are finally daring to ask questions. In doing so, they are forcing the media, international human rights organizations and the rest of the world to address the world's most widespread form of torture.

* * *

Sheila MacVicar is an ABC News Correspondent for the magazine program "Day One." She reports on female circumcision on Monday's edition of the program (September 20, 1993), 10-11 PM, PT.



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Women's Human Rights and US Foreign Policy

Testimony of Dorothy Q. Thomas
 Director, Women's Rights Project, Human Rights Watch

Before the House Subcommittee on International Security,
 International Organizations and Human Rights
 The United States Congress

Tuesday, September 28, 1993

Thank you for holding this hearing on women's human rights, Chairman Lantos, and for inviting me to testify. My name is Dorothy Thomas, and I am the Director of the Women's Rights Project, a division of Human Rights Watch.

I will focus my brief remarks today on violence against women, how the US government has responded to this problem in the past, and actions that our government should take to protect women's human rights. We fully agree with Secretary of State Warren Christopher's statement at the recent World Conference on Human Rights that "[g]uaranteeing women their human rights is a moral imperative." Yet, we firmly believe that much more must be done by the Clinton Administration and the US Congress to translate commitment into practice.

Although violence against women may take different forms in different cultures and contexts, it is rampant in every region of the world. Women confront violence on the frontlines of battle, in official custody, in the workplace, in the home and on the streets. Far too often and for too long, acts of violence against women have been dismissed as random crime or as unfortunate cultural practices for which governments need not be held accountable by the international community. But there is mounting evidence that violence is often committed by, at the instigation of, or with the acquiescence of public officials for political reasons or profit. In many parts of the world today, and in many different contexts, violence against

women is systematically used to extract information, intimidate, coerce, punish, dominate, or to prevent women from exercising their human rights.

I want to speak about violence against women by focusing on five broad categories: violence in situations of international and internal conflict; abuses against refugee and displaced women; torture and ill treatment against women in police custody; gender-based violence committed by private persons that is tolerated by governments; and abuses against women's reproductive freedom and sexuality. I will draw primarily from first-hand research and documentation compiled by Human Rights Watch over the past three years and, to a lesser extent, from work undertaken by other human rights organizations. The country-specific cases that I will describe illustrate the types of abuses experienced by women, but by no means exhaust the nature, scope and function of violence against women in the world.

Violence against Women in International and Internal Conflicts

As the conflict in the former Yugoslavia has demonstrated, rape and other sexual and physical abuse against women often are not merely a regrettable "excess" of war, but are an integral part of war strategy in stark violation of humanitarian law.

Serbian soldiers deploy rape as a weapon of war and a tool for ethnic-cleansing in the conflict in Bosnia-Herzegovina. Reports of widespread rape, forced prostitution and forced pregnancy have poured out of Bosnia-Herzegovina. Human Rights Watch has documented rape of women in their homes, in front of their family members, during the course of interrogation and in places where they are held for the specific purpose of being raped. Muslim and Croatian forces are also responsible for rape, though not on the scale committed by Serb troops nor with the intended purpose of ethnic cleansing.

Thus far, Human Rights Watch has found no evidence that rapists are punished for their crimes. On the contrary, local political and military commanders have condoned and even participated in these abuses.

The war crimes tribunal established by the United Nations presents the only means by which war criminals from the Bosnian conflict will be held accountable for their atrocities, particular the use of rape as a weapon of war. We are concerned that eight months after the official call for the tribunal, no prosecutor has been appointed and no on-the-ground investigations have been conducted into alleged abuses. Meanwhile, evidence disappears and witnesses disperse. Eleven judges were finally elected by the United Nations (UN) General Assembly earlier this month; only two of the judges are women. Moreover, despite strident efforts to bring attention to well-qualified women candidates, none have been proposed for the position of prosecutor. We urge the Clinton Administration and Congress to continue pushing the UN to appoint a prosecutor of stature and commitment from a pool that includes women candidates and to initiate investigations into allegations of war crimes in the region.

At a minimum, there should be a legal expert on sex crimes in the prosecutor's office since systematic rape will be one of the war crimes to be tried.

I cannot emphasize enough that despite the lessons of Bosnia, rape and other abuses against women in other conflict zones continue without international scrutiny, much less censure.

In Peru, Human Rights Watch and other human rights organizations have documented acts of terror perpetrated against women by both the Shining Path and government forces. The pattern of violence makes it unequivocally clear that combatants, on both sides, rape and execute women as part of their overall military strategy to intimidate local populations perceived as sympathetic to the other side, to extract information and to punish men through their wives and daughters. It is also clear that whether or not individual soldiers are acting on orders, their superior officers are well aware of these abuses but do nothing to stop them or to punish the offenders. To our knowledge, not a single active officer has ever been punished for rape during Peru's thirteen-year long internal conflict. Women have also been targeted by the opposition. The Shining Path leadership publicly targets feminist activists, such as Maria Elena Moyano, for assassination.

One of the most recent cases in Peru involved the gang rape of 20-year old Maria de la Cruz in January 1993. Ms. Cruz appeared before the anti-terrorist police to testify on behalf of a relative accused of involvement with the Shining Path. She was detained and taken to a beach south of Lima where, over the course of four days, she and five other female prisoners were blindfolded and raped by up to 40 anti-terrorist police. In the words of Ms. de la Cruz, "they undressed me, raped me and then put me in the water before raping me again." She is now eight months pregnant reportedly as a result of the rapes, and is still being held in a maximum security prison, even though military courts acquitted her of all connection to the Shining Path.

In response to letters from members of the US Congress, including yourself and other members of this Committee, in March, President Fujimori pledged to "end Peru's lamentable tradition of impunity." In a rare move, the Peruvian Congress announced that it will order investigations into Ms. de la Cruz's allegations of rape and impregnation, but the outcome remains to be seen.

We understand that the Clinton Administration is conducting an inter-agency review of US policy toward Peru and that the conditions under which US aid to Peru should be resumed are an important part of that discussion. We join Senator Leahy and Congressman Obey in urging the Administration not to disburse some \$110 million in Economic Support Funds and military aid -- suspended since the April 1992 "Fujicoup" -- until there is significant progress toward ending human rights abuses, including rape, prosecuting past abuses and ensuring due process in the judicial system.

The pattern of using rape as a weapon of war is repeated in India, particularly in the northern state of Jammu and Kashmir where, beginning in January 1990, Indian security forces intensified efforts to suppress Muslim insurgents. In joint investigations with Physicians for Human Rights, we found that Indian security personnel frequently rape women during crackdowns and "cordon-and-search" operations. As in Peru, rape is used by Indian forces to humiliate women suspected of being opposition sympathizers and, through the women, to punish the entire community.

Although there is no evidence that rape occurs as a matter of government policy in Kashmir, the Indian government has consistently tolerated rape by failing to investigate complaints and prosecute accused security personnel. We know of only one case, involving the sexual assault of a Canadian tourist, where the government prosecuted the attackers.

While rape by armed militant groups in Kashmir is less common, it has been reported with greater frequency in recent years, along with other violent crimes and has also been committed to gain political advantage.

The Clinton Administration has raised human rights concerns with the Indian authorities both publicly and privately, though it opposes limits on military assistance which have been pushed by some in Congress. Regrettably, US pressure on India has had little effect on India's record of abuses in Kashmir and elsewhere; gross violations, including rape and other violent abuse of women, continue. US human rights policy would be enhanced if our government raised India's human rights record at international fora such as the UN Human Rights Commission. In particular, the US should press the UN Special Rapporteur on Torture to investigate the issue of rape in Kashmir by Indian forces.

An historical example that is now coming back to haunt the international community is the case of Japanese military brothels during World War II, where between 100,000 to 200,000 women were confined and raped by up to 50 soldiers a day for months, even years. Military sexual slavery was overlooked by the international war tribunals that took place in Japan after World War II. Even now, when elderly former "comfort women" are finally speaking up to demand justice, the same governments that rightly condemn the Serbs are reluctant to demand full accountability from Japan.

The UN Human Rights Commission took a step in the right direction last month. Its Subcommission on Prevention of Discrimination and Protection of Minorities appointed Linda Chavez as Special Rapporteur to investigate the use of forced labor and military "comfort women" by Japan during World War II, and violations of women's human rights in Bosnia.

Abuses against Women Refugees and Displaced Persons

Among the women most vulnerable to violence are those who have been uprooted from their homes and countries by war or natural disasters. They are at risk both as a result of the surrounding conflict and because of their dependency on outsiders for relief provisions which frequently must be "bought" with sexual favors.

In Burma, as part of a government offensive against ethnic minorities, soldiers rounded up Rohingya Muslim men for forced labor, then returned to the villages and raped women who were left behind. A Human Rights Watch investigation found that widespread rape of Rohingya women contributed to the massive refugee stream -- over 240,000 -- into Bangladesh. In one particularly heinous attack in May 1993, soldiers forced their way into 16-year-old Dilara Begum's home, threw her to the floor in front of her two brothers and mother-in-law and raped her; the rape was the first assault in what would become a nightmare of two years of repeated gang-rape. The UN Special Rapporteur on Myanmar (Burma) found that fear of repeated rape by Burmese authorities was cited by most of the Muslim and other ethnic minority women he interviewed as a reason for resisting repatriation to Burma.¹ Rohingya women in the refugee camps in Bangladesh have also been subjected to sexual, physical and verbal abuse by Bangladeshi military and paramilitary forces in charge of the camps. A forthcoming report by Human Rights Watch details these incidents.

Next week, Human Rights Watch will release a report documenting the widespread rape of Somali refugee women in Kenya. Hundreds of Somali refugee women living in refugee camps in Kenya along the border with Somalia have been traumatized, primarily at the hands of armed bandits exploiting an area of escalating insecurity and violence. We have also received reports of rape of Somali refugees by the Kenyan police. Between February and August 1993, the UN High Commissioner for Refugees (UNHCR) documented 192 cases of rape, 187 of them involving women. Last month alone, forty-two additional cases came to light. Most of the cases we investigated involved gang-rape at gun point by groups of men. In the vast majority of these cases, female rape victims were also robbed, severely beaten, knifed or shot. Women who had been circumcised often had their vaginas cut or torn open by their attackers and many suffer ongoing medical problems.

The Kenyan government's response has been woefully inadequate. Instead of protecting Somali women refugees on Kenyan soil and investigating alleged offenses, the Office of the President has callously accused the women of fabricating claims of rape to "attract sympathy and give the government negative publicity." It would be ironic if this was truly the motive behind the women's allegations since the plight of these refugee women has received little international attention despite almost daily coverage of hostilities in Somalia.

¹ UN Doc. E/CN.4/1993/37 at 27.

The Clinton Administration is planning to release some \$3.5 million in military aid to the Kenyan government in the near future to address security along the Somali border. It is essential that a portion of that assistance be used to enhance protection in the Somali refugee camps. Moreover, the United States should use the leverage provided by this assistance to urge the Kenyan authorities to vigorously investigate and prosecute cases of rape by Kenyan police in the area.

Rape and Ill Treatment of Women in Custody

Women held in custody, particularly incommunicado detention, are another exceptionally vulnerable group. Amnesty International has made unparalleled contributions in documenting abuses against women in custody, including rape, sexual humiliation and exploitation of women's pregnancy to inflict severe physical and emotional pain.

According to Amnesty International, over the past two years, hundreds of women have been arbitrarily detained and harassed in Tunisia. Many were tortured, beaten and sexually abused during their detention. Most of these women were accused of direct involvement in either the illegal Islamist movement *al-Nahda* or the illegal Tunisian Workers' Communist Party, or are wives and relatives of suspected activists. During the crackdown on activists in the Islamist movement, many men went into hiding or fled the country. The security forces, as a result, focused their attention on the female relatives of these men in order to extract information about their whereabouts or to pressure the men into surrendering.

Tunisian authorities have denied most of the allegations of torture of detainees. Amnesty International has raised numerous cases with the Tunisian government, but has received no response to their inquiries.

An appalling 70 percent of women in police custody in Pakistan report sexual or physical abuse at the hands of their jailers. In 1992, Human Rights Watch investigated custodial violence against women in Pakistan. Women we interviewed told us that they had been beaten and slapped; suspended in mid-air by hands tied behind their backs; raped and sodomized with foreign objects; and gang-raped. At the time of publication, not a single police officer had suffered criminal penalties for these abuses, even in cases where there was incontrovertible evidence. To our knowledge, impunity for custodial violence still persists. One senior police official told a delegation of human rights activists that "in nine-five percent of the cases the women themselves are at fault."

Privately-Perpetrated Violence

A consensus is emerging that governments can be held accountable under international law for private acts of violence when they systematically fail to prevent such abuses or to

provide legal redress for such violence. For example, in 1992, the UN Human Rights Committee, commenting on the International Covenant on Civil and Political Rights' prohibition against torture and cruel, inhuman and degrading treatment or punishment, determined that "it is the duty of the State party to afford everyone protection, through legislative and other measures as may be necessary against the acts prohibited by Article 7, whether inflicted by people acting in their official capacity, outside their official capacity or in a private capacity (emphasis added.)"²

My remarks on privately-perpetrated violence will therefore focus on countries where the government fails to afford women equal protection of the law.

According to the World Bank, the most pervasive form of violence against women is abuse inflicted by intimate male partners. In countries as diverse as Brazil, Israel, Canada and Papua New Guinea, over half of all women murdered are killed by a current or former partner. According to a recent review in the *Journal of the American Medical Association*, "[w]omen in the United States are more likely to be assaulted and injured, raped or killed by a current or ex-male partner than all other assailants combined."³

Legal redress for rape is, in many countries, non-existent because of discriminatory attitudes toward the survivors, or as a result of laws that misclassify the abuse as one against "custom" or "honor" rather than against the physical integrity of the victim.

Women in South Africa suffer among the highest incidents of rape in the developed world. Twenty-two thousand cases of rape were reported in 1991, a figure that, according to the government's National Institute for Crime and Rehabilitation, represents only five percent of all incidents. This figure does not include marital rape, which is not recognized as rape under current South African law.

With the breakdown of law and order, especially in the black townships, pursuing allegations of rape is not a high priority for the police who, in any case, are ill-trained to deal with sex crimes. Furthermore, the system of apartheid has tainted the credibility and effectiveness of the South African police, leaving black South African women with a longstanding and well-founded distrust of law enforcement. Consequently, black women, who are disproportionately the victims of rape, do not easily or readily interact with South African police forces. Where cases are investigated and prosecuted, judges tend to discriminate against the rape survivor, allowing her character and habits to mitigate the culpability of the perpetrator.

Last year, the South African government established a Rape Court in Wynberg to deal exclusively with sex crimes. This move has been applauded by most women's rights groups.

² UN Doc. HRI/GEN/1 at 29, cited in International Human Rights Law Group, "Token Gestures: Women's Human Rights and UN Reporting," June 1993, p. 9.

³ Lori L. Heise, "International Dimensions of Violence Against Women," 1993.

We urge the US State Department to monitor and report on the effectiveness of this Court, including equal access by all rape survivors regardless of ethnicity or class.

Even in the US, rapists are infrequently held accountable to the full extent of the law. In a report released this year, the Senate Judiciary Committee found that 98 percent of rape victims never see their attacker caught, tried or imprisoned. Over half of all rape prosecutions are either dismissed before trial or result in acquittal. Almost one quarter of convicted rapists never go to prison while another quarter receive sentences that average a mere *eleven months*. The Committee concluded that the low conviction rates for rape are largely the result of sex discrimination.

Where the victim knows the perpetrator, there is a tendency to consider the crime a product of a private relationship, not a matter of public injustice. Even where the violence comes at the hands of a stranger, the victim may be seen not as an innocent target of intolerable criminal acts, but as a participant who somehow bears shame or even some responsibility for the violence.⁴

Sex discrimination also characterizes the way in which Brazilian courts handle cases of domestic violence. Human Rights Watch reported on the frequent use of the "honor defense" to acquit husbands who batter and kill their wives for suspected adultery. Despite the fact that the Brazilian Supreme Court struck down this archaic defense in 1991, local courts continue to acquit men who kill their allegedly unfaithful wives. One police chief in Rio de Janeiro told us that of the more than two thousand cases of battery and sexual assault registered with her police station in 1990, not a single one ended in punishment of the accused. Although the Brazilian government has created women's police stations, its commitment to ending conjugal violence remains questionable. The police routinely fail to treat domestic violence as a crime and often classify such offenses too leniently.

In some countries, notably India, women's lives literally have a price: husbands kill their wives because they are dissatisfied with the size of dowries. According to the Indian government's own statistics, "dowry deaths" have been on the rise in that country in recent years despite a 1961 law prohibiting dowry and the criminalization of dowry deaths under the Indian Penal Code.⁵ Between 1987 and 1991, there was one dowry death every hour and 42 minutes. Many murders are disguised as "kitchen accidents" when, in fact, the women are intentionally doused with gasoline and set on fire. Some cases are suicides committed by women who can no longer tolerate the mental and physical torment inflicted on them by their husbands and in-laws.

⁴ Senate Judiciary Committee, "The Response to Rape: Detours on the Road to Equal Justice," May 1993, p. 3.

⁵ Report by the Indian Home Ministry's National Crime Records Bureau, cited in *Times of India*, December 2, 1992.

While expectations of dowry and acceptance of dowry deaths are culturally-ingrained, culture is not the sole reason why such brutal domestic violence continues and spreads in India. The Indian government must also be held accountable for a criminal justice system that is largely ineffective in addressing wife murder. The dowry prohibition law is poorly enforced because of loopholes in the law, police corruption and sex discrimination in the courtroom. Husbands who drive their wives to suicide with physical and emotional abuse are rarely prosecuted because many judges tend to presume that no spousal abuse can be that severe.

The US government could help to reduce the incidence of dowry deaths by supporting legal literacy and legal aid for women in India through the Agency for International Development's (AID) democracy and human rights programs. At present, many Indian women are not even aware that dowry is prohibited under law.

Rape and domestic violence are also major concerns in Mexico. A 1991 study, conducted by the Center for the Investigation and Fight Against Domestic Violence of women living in a suburb of Mexico City, found that one in four women had an abusive relationship with a husband or lover while one in three had experienced at least one violent relationship. Despite these statistics, procedural hurdles and insensitivity among judges, prosecutors and attorneys to allegations of rape lead to a systematic failure to investigate and punish alleged offenders. Mexican women who wish to file charges of rape against their attackers must first obtain from a medical examiner a sworn statement to substantiate her allegations. Rape and domestic violence laws were reformed in 1990 and 1991, but they are not rigorously enforced.

While Human Rights Watch takes no position on the North American Free Trade Agreement, we strongly advocate that any agreement approved by Congress include a "human rights basket" which includes effective legal remedies for victims of rape and domestic violence. So far, this issue is not a part of the agreement or any side agreement associated with NAFTA.

Abuses against women workers is another form of violence by private individuals for which governments can be held accountable. Human Rights Watch has investigated the abuse and exploitation of Asian women working as maids in Kuwait and the failure of the Kuwaiti government to take effective remedial action. Between March 1991 and August 1992, almost 2,000 Asian women domestic workers fled from their employers and sought refuge with their government embassies. In no case that we documented were such allegations of rape and physical assault investigated and prosecuted, not even in the case of a Sri Lankan woman who was brutally raped with a sharp object and thrown from the balcony of her employer's house.

Little has changed in Kuwait in the fourteen months since the release of our report, despite the fact that US State Department officials have raised the plight of the Asian maids with the Kuwaiti government at the highest levels. Women continue to arrive daily at their

embassies with similar complaints. Over 100 women runaways are currently sleeping in the halls of the Philippines Embassy while the Indian Embassy shelters twenty to thirty women on any given day. To our knowledge, only one employer and his wife have ever been successfully prosecuted. They were convicted in July 1993 for the death of 23-year old Sonia Bahana, who alleged that she had been locked in a room and raped, beaten, mutilated and starved over a period of months.

Kuwait has responded to reports of abuse, primarily, by repatriating large numbers of women without documenting the women's criminal complaints or civil claims prior to their deportation. Although Kuwait has enacted a law to regulate the employment agencies, to date the authorities have failed to address the problem effectively by extending the protection of labor laws to domestic servants and prosecuting employers for their criminal behavior. We urge the State Department to continue to monitor and press this issue until effective procedures for redress are in place in Kuwait.

Abuses of Women's Reproductive Freedom and Female Sexuality

Some of the most invasive and discriminatory forms of gender-based violence are targeted at women's reproductive freedom and sexuality. While Human Rights Watch takes no position on abortion, we are profoundly concerned about the pervasiveness of state-sponsored violence and discrimination in the area of female reproductive freedom and sexuality, ranging from forced abortion and forced sterilization to threats of forced impregnation, as occur in the conflict in the former Yugoslavia, to state regulation of virginity and state complicity in the sale of women's bodies for servile forms of marriage or forced prostitution. In no way should our concern for abuses in this area be construed as opposition to US official assistance for services in women's reproductive health and sexuality.

The trafficking of women and girls for forced prostitution and forced "marriage" is a human rights violation that affects thousands of women and girls worldwide. The devaluation of female lives, together with the growing disparity in the sex ratio in some countries, has led to a burgeoning, multi-billion dollar international trade in women and girls for sexual exploitation. Yet human trafficking is persistently perceived and dealt with as a common crime rooted in social mores rather than as a human rights abuse for which governments are accountable. For example, the State Department, for its *1992 Country Reports*, instructed its researchers to report on "[r]ape and other violence against women by other elements of society, including trafficking in women" as a form of "discrimination," implicitly assuming the lack of direct government involvement. This is an inaccurate analysis of the problem.

The case of Thailand illustrates the role government authorities play in trafficking and forced prostitution. Police officers and border patrols aid and abet the traffic of Burmese women and girls into Thailand from the border to the brothel. Fifty to seventy percent of

women kept in closed Thai brothels in northern Thailand become infected with the deadly AIDS virus. According to one expert on Burma, most of the criminal elements responsible for human trafficking across the Thai-Burmese border are the same ones involved in drug trafficking. While the US spent four million dollars in fiscal year (FY) 1993 aid to stop drug trafficking in Thailand, US officials have never raised concerns about the trafficking of Burmese women, at the rate of 10,000 every year, in any official contact with the Thai government.

The *Country Report* on Thailand is similarly inadequate on this subject. While the Report states that police officers "accept protection money" to look the other way, it fails to mention their more egregious roles, as recruiters, drivers and guards for brothel owners.

An even larger human trafficking network exists in South Asia, involving India, Pakistan, Bangladesh and Nepal. According to a Bangladeshi government-controlled newspaper, at least 200,000 Bangladeshi women and girls have been sold to Pakistan and the Middle East during the last 15 years for sexual or domestic slavery. Our research revealed that Pakistani police not only hesitate to arrest pimps, traffickers and brothel operators; many, for a price, are willing to release women arrested as illegal immigrants consequent to escaping their abuses back into the hands of the pimps. A Pakistani human rights lawyer told us that the pimps have more access to his clients in detention than he does.

In Turkey, women live with the threat of forced virginity control examinations. Women are forced to submit to invasive, unwanted gynecological procedures for no purpose other than the social control of their sexual behavior through means that terrorize, degrade or humiliate. Women in detention are forcibly examined before and after interrogation by the Anti-Terrorism police. Public order police stop women on the street for engaging in "immoral" behavior and threaten to have their virginity checked. In state hospitals and school dormitories, health or school authorities require women to verify their virginity. In May 1992, two Turkish female high school students killed themselves after being forced by school authorities and family members to submit to virginity exams.

Turkey is one of our government's largest aid recipients. In FY 1994, the US will make available an estimated \$596 million in military and security assistance to Turkey. We urge the US government to use the leverage provided by this assistance to press Turkey to end violations of women's human rights.

In a number of countries, official policies have exacerbated traditional preferences for male children, causing some parents to decide that daughters simply are not worth having or keeping. UNICEF estimated from sex ratios for China, India, Pakistan, Bangladesh, and Afghanistan that there is a combined total of 77 million females who are "missing" from these 5 countries,⁶ meaning that, if left to chance alone, there should be 77 million more

⁶ "The Missing Millions," Washington Post, 2-15-93, citing UNICEF statistics.

females than actually exist. These figures are all the more appalling when we consider that females are by nature *more likely* to survive birth and to outlive males. A significant proportion of the "missing" are due to female infanticide, sex-specific abortions and death by abandonment of girl-babies.

In China alone, there are an estimated twenty to sixty million "missing" females. The official one-child policy imposes heavy economic and social sanctions both on couples who have more than one child and local officials who fail to enforce population quotas set in Beijing. This anti-natal policy has led to widespread abortions of female fetuses, female infanticide and abandonment of girl-babies by families who do not want to "waste" their quota on daughters. While some women reportedly acquiesce to abortions, there are also numerous reports of abortions being forced upon women directly or indirectly by government doctors.

There are also credible reports of compulsory sterilization of women, at times without even the women's prior knowledge. Women enter clinics to have their IUDs checked and leave sterilized against their will. The conditions under which women are forcibly sterilized and undergo abortions are frequently appalling. The facilities and instruments may be unsanitary and women are moved through as on an assembly line, with operations allegedly rushed through in as little as ten minutes. It is difficult to obtain accurate statistics on forced operations, although anecdotal evidence abound. For example, one Hong Kong newspaper publicized an incident in a village in Hunan province where security officers reportedly compelled doctors to perform abortions on twenty-one women in order to stay within the population quota; otherwise, wages for the *enure* police unit would have been cut.⁷

The onset of the AIDS pandemic exacerbates the harm that women experience from violence and sex discrimination. Women who survive rape and other physical violence must worry about this deadly infection. Fifty to seventy percent of the Burmese women and girls who have been trafficked into Thailand for the purposes of forced prostitution are HIV positive. The fact that many of them were originally recruited precisely because they were virgins and "clean" belies the usual perception that, as prostitutes, they are at fault or constitute "pools of infection."

In Uganda, which has one of the highest HIV prevalence rates in Africa, wives are at increasing risk of HIV infection by their husbands and often can do nothing to protect themselves. Since the husband is always awarded custody over the children in the event of divorce under Ugandan law, women who fear being infected by adulterous husbands are in a poor position to negotiate condom use or to refuse marital sex, much less leave their husbands. As a result, these women must literally choose between their children and their lives.

⁷ "Abortions ordered over quotas," *South China Morning Post*, November 14, 1991.

Women who have AIDS or are HIV positive suffer additional discrimination. A 1991 report by the UN Subcommission on Prevention of Discrimination and Protection of Minorities noted that women are discriminated against particularly in the provision of health care in relation to AIDS and HIV. In areas where equal numbers of men and women are infected, the majority of hospital beds for AIDS patients are taken by men. Some countries single out pregnant women for mandatory HIV testing, while others encourage women who are pregnant and HIV positive to have abortions. It is only over the last few years that organizations like WHO's Global Program on AIDS and the UN Development Program have devoted efforts to understanding how women's subordinate status by law and custom places them at risk of AIDS and how women may suffer further abuses if they are infected or are perceived to be infected.

One of the most sensitive issues that, in our opinion, falls under the category of privately-perpetrated abuse is female genital mutilation. According to the Inter-African Committee on Traditional Practices, between 75 to 85 *million* women have been subjected to some form of female genital mutilation, mostly at an age too young to give informed consent. Few governments have criminalized this abuse and those that have, such as the Sudan, rarely enforce the law, preferring instead to leave the problem to health educators and traditional leaders.

SPECIFIC RECOMMENDATIONS TO THE US GOVERNMENT TO ADVANCE WOMEN'S HUMAN RIGHTS

We commend the Clinton Administration for its strong public support for women's human rights, particularly in international fora. It is largely due to firm advocacy by the US delegation to the World Conference on Human Rights that women's human rights issues are integrated throughout the Final Declaration. In addition, Secretary Christopher reiterated the Administration's commitment to seek Senate advice and consent to ratify the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) shortly after the ratification of the Race Convention. We are also pleased to note that under the Clinton Administration, the US is leading the effort to appoint a UN Special Rapporteur on Violence Against Women and a UN High Commissioner on Human Rights.

Despite these noteworthy contributions by the Clinton Administration, women's human rights still are not an integral element of US foreign policy, including the crucial work of AID. Women's human rights are treated in an *ad hoc* manner, largely in response to special reports and conferences. We strongly urge the Administration and Congress to explicitly and routinely consider women's human rights in the ongoing formulation and implementation of US foreign policy. To aid in this effort, we make the following specific recommendations:

Senior Official for Women's Human Rights in the Human Rights Bureau

We strongly support the appointment of a senior official for women's human rights to the State Department Human Rights Bureau. Representatives Snowe and Berman and Senator Simon have offered amendments to the State Department Authorization Bill that urge the State Department to designate such a position. The importance of a senior official working full-time to ensure that women's human rights are fully integrated into US foreign policy is evident considering that women's human rights are affected by US foreign policy across the board, from humanitarian intervention to arms sales to trade. It is our experience that without such a point person, there will not be consistent and critical attention to women's human rights issues in US policy.

At present, the Bureau has a staff person whose portfolio includes, among other issues, women. Given the epidemic levels of violence against women worldwide, and the need for US leadership to promote and protect women's human rights internationally, a part-time position simply is not enough. A senior level appointment, preferably at the level of Office Director, is required to ensure that women's human rights receive prompt and effective attention from the foreign policy establishment.

Inter-agency Meeting on Women's Human Rights and US Foreign Policy

One of the first tasks of the senior official for women's human rights should be to convene an inter-agency meeting on women's human rights and US foreign policy to review existing mechanisms and devise new ways to advance women's human rights in each of the relevant federal agencies. The meeting should examine, within each agency, the staff level at which women's human rights are addressed, staff training needs, the resources devoted to women's human rights issues, and bilateral and multilateral sources of leverage vis-a-vis abusive governments. Additionally, the meeting should consider the establishment of an inter-agency taskforce that would meet on a regular basis to review the overall impact of US foreign policy on women's human rights.

Enforcement of US Human Rights Law

Under US human rights law, our government is required to sanction governments that engage in a pattern of gross violations of human rights by suspending security assistance and trade benefits. In determining appropriate recipients of bilateral and multilateral aid, we urge the State Department and other agencies to scrutinize country records for possible patterns of gross violations of women's human rights, including rape as a tactic of war and systematic violence against women refugees.

Where abuses are severe, but do not rise to the level of gross violations that, pursuant to Sec. 502(b) of the Foreign Assistance Act, Sec. 701 of International Financial Institutions

Act or Sec. 502 of the Trade Act, would trigger total suspension of non-humanitarian aid or trade benefits, the US should apply leverage in other ways, such as freezing select components of military and security grants and sales.

Democracy and Women's Human Rights

We recommend that all US-supported democracy and administration of justice programs, including but not limited to, programs implemented by AID, the Justice Department and the human rights component of the IMET programs, actively seek to advance women's human rights. To give just a few examples:

- * Ideally, the Human Rights Bureau should seek oversight of all foreign aid programs to ensure that they reflect the principle of non-discrimination and women's equal participation in civil and political life.
- * When reviewing the human rights records of countries proposed as IMET and expanded IMET beneficiaries, the Human Rights Bureau should thoroughly consider their record on women's human rights, and oppose IMET and expanded IMET to any government that consistently sponsor or tolerate violence against women.
- * Administration of justice and legal reform programs should seek to eliminate gender bias in judicial systems, such as rules of evidence that give lesser weight to women's testimonies. Police training programs should include information about the criminality of rape and methods of evidence gathering in rape cases.

Reform of US Asylum Law to Recognize Gender-based Persecution

Gender-based persecution is not explicitly recognized under U.S. asylum law. It is our view that gender-based persecution should be included in any reform of the present law. Currently, women seeking asylum from gender-based persecution must argue that they are fleeing persecution on other grounds which *are* recognized by the Refugee Act of 1980, specifically nationality, ethnicity, religion, political opinion, or membership in a particular social group.

Establishing the connection between gender-based and, for example, religious persecution can be difficult and time-consuming, particularly given the lack of information about the abuses suffered by women. As a result, women seeking asylum from gender-based persecution may be presumptively excluded because the basis of their claims is not recognized by law or because they must overcome considerable barriers to substantiating their claims.

In addition, any future reform of U.S. asylum law should be considered in light of its impact on women. For example, many women seeking asylum on any ground may have been targeted with sexual abuse. Relating the details of such abuse is especially difficult for women fleeing persecution, who may fear threats to their safety and dignity. Expedited exclusionary procedures which require women to convince asylum officers "on the spot," that they have a "credible fear" of persecution, without evidence or a translator, creates an atmosphere that exacerbates women's fears and contributes to their non-disclosure of sexual abuse. This example also points to the need of the U.S. to promulgate guidelines to assist immigration officers in fairly assessing gender-based persecution claims.

State Department Country Reports

While we welcome steady improvements in the coverage of women's human rights in the State Department *Country Reports on Human Rights Practices*, we believe that some problems persist. The *Country Reports* repeatedly fail to categorize rape of women by government forces or opposition militants accurately. The 1992 Somali report noted: "By all authoritative accounts, rape became commonplace in the villages and towns that changed hands in factional fighting." This information was included in the "Discrimination" section even though the official instructions expressly call for rape and other abuse committed by government or opposition forces to be discussed under "Torture and other cruel, inhuman or degrading treatment or punishment." In the Uganda Report, the "high incidence of rape, especially by soldiers operating in the North" is also inaccurately included in the "Discrimination" section, where it was discussed together with wife beating. In Thailand, forced prostitution amounts to sexual slavery and violates women's internationally recognized workers' rights. The State Department, however, reports it as "discrimination."

Accurate assignment of abuses to government agents and proper naming of violence against women is not simply a matter of semantics. US human rights law mandates sanctions against governments that engage in "a pattern of gross violations of internationally recognized human rights," defined as "torture or cruel, inhuman or degrading treatment or punishment, prolonged detention without charges and trial, abduction and clandestine detention and other *flagrant denial of the right to life, liberty or the security of the person* (emphasis added)."

To identify rape by government forces or insurgents as act of "discrimination" rather than torture or inhuman treatment, and to call forced prostitution "discrimination" rather than slavery or forced labor, is to neglect gross abuses against women when considering a country's overall human rights record.

Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

We urge the Clinton Administration to seek the advise and consent of Congress to ratify CEDAW at an early date. US refusal to ratify CEDAW over the past thirteen years has, unfortunately, cast a shadow over America's credibility as a leading advocate for women's rights worldwide. By failing to ratify, we remain in the unhappy company of countries such as Saudi Arabia, Iran, India and South Africa, whose laws and practices with regard to women's rights are deplorable. By becoming Party to CEDAW, the US would not only restore its credibility, but would add substantial moral and political force to the only existing international standard-setting instrument on women's rights.

International Covenant on Civil and Political Rights (ICCPR)

We urge the US to ratify the First Optional Protocol to the ICCPR which establishes the right of individuals to submit petitions to the Human Rights Committee. This procedural mechanism is of particular importance for women from countries with severely discriminatory judicial systems. We also urge the Administration to withdraw the declaration that the ICCPR's substantive provisions are not self-executing. By allowing US litigants to invoke the Covenant in US courts, the Administration would extend more explicit protection to women in areas such as the right to be free from sex discrimination, the equal rights of spouses and the right of pregnant women not to be subjected to the death penalty, than is possible under the US Constitution alone.

Congressional Working Group on International Women's Human Rights

In order to bring Congressional pressure to bear on urgent cases of abuses against women, Senator Patty Murray and Representatives Jan Meyers and Joe Moakley have initiated a bipartisan, bicameral Congressional Working Group on International Women's Human Rights. We applaud this initiative and pledge to work closely with them to identify cases of women who are at immediate risk of abuse, or who need international support to obtain redress for past abuse.

Testimony on Female Genital Mutilation

**"SUBCOMMITTEE ON INTERNATIONAL SECURITY,
INTERNATIONAL ORGANIZATIONS, AND HUMAN RIGHTS"**

**Congress of the United States
Committee on Foreign Affairs
House of Representatives**

September 28, 1993

Presented by: Dr Nahid Toubia - Sudan

[Before I start my testimony I would like to say that the decision to testify on this issue first at the World Conference On Human Rights and here at the Congress of the United states was not easy. This issue is emotionally difficult at the personal and community levels and has created a lot of controversy between Africans and non-Africans. But I decided to consult my innermost feelings and stand by what I believe is morally right. I also feel a deep obligation to speak up as an African woman. We African Women are silenced twice. Once in our own countries since most of us are unable to speak up for our rights for fear of social or political persecution and second when we come out to speak to the world we are harassed by the sensationalist media and the attack of Western societies on our people and our cultures. But I, and many of my sisters, have decided we must speak-up and never be driven to silence again.]

I stand here today to testify on behalf of many girls and women who had no choice when parts of their bodies were removed in the name of culture and social conformity. I testify for all the women in all cultures, East and West, who undergo the physical pain and psychological agony of bodily manipulations to conform to the prevailing norms of acceptable womanhood; the social prescriptions of femininity that keeps women bound to men's control over their lives, their reproduction and their sexuality. In my society that means cutting of essential parts of the genitals of girls and women. In America it takes the form of the "beauty cult" which drives teenage girls and women to mutilate their bodies with plastic surgery, breast implants, anorexia, boullmia, high heels and many other contraptions. Women are never allowed to feel holistic the way

they are created, they have to be re-shaped by society to please men. Because as women we are made economically and socially powerless most of us have little chance to say NO to stop the injustices imposed on us by society.

Most African women have very little power to say no. As women their only means of survival is to marry, give their husbands sexual pleasure and give birth to many children while suffering in silence, obedience and acceptance. Today, in Africa, many of us have found our voices and are speaking out against a custom that abuses and humiliates us. We are often silenced in the name of preserving culture and tradition. We will no longer be intimidated by accusations of disrespect to our culture. Our cultures are already changing very rapidly and not always in positive ways. We love our cultures and much of what we inherited is positive but we must be honest and admit to what is wrong. Today our traditional ways are being undermined by materialism and greed which are fundamentally against our inherited cultures. Such destructive values are rapidly embraced usually by the same men who object to stopping the genital mutilation of women in the name of preserving culture. Let me ask you why is it that only when women want to bring about change for their own benefit does culture and custom become sacred and unchangeable? As women, WE TOO have the right to decide what parts of our culture WE want to preserve and what parts WE want to abandon.

Today, through my testimony, I want the world to listen to the voices of many brave African women who are doing great work in their communities but are rarely heard when the issue of female genital mutilation is discussed internationally:

"I was circumcised in 1960, at the age of 11. I remember every detail of the operation and the worst part was when the wound became infected.... When I was 18 it was the turn of my younger sister; I was totally against her circumcision. My father wanted the milder type (the clitoridectomy) but my mother insisted on the severer type (the infibulation) Eventually my sister had the intermediate type, virtually the same as infibulation. The suffering of my sister made me hate circumcision even more than my own, earlier experience"

That was **Dr Asma El Dareer** the Sudanese physician who conducted the first national survey on FC.

Listen to **Assitan Dialo** a woman activist from Mali;

"Now what is the justification of female circumcision ? They think it diminishes sexual desire, so, that means you will be faithful. They also say that female circumcision purifies women, that means that our sex genitalia is dirty....To them, female circumcision is very necessary to support their view of women's sexuality"

To justify this gross social injustice we have been told for years that it is part of being a good woman and that it is a sacred requirement of religion. We now know that it is not sacred and it has nothing to do with any religion. Neither Islam, Christianity or Judaism mention female circumcision in their texts although followers of all three religions, and others, practice it.

Raqiya Haji Abdalla of the Somali Women's Democratic Organization says about FGM;

"Women are victims of outdated customs, attitudes and male prejudice. This results in negative attitudes of women about themselves. There are many forms of sexual oppression, but this particular one is based on the manipulation of women's sexuality in order to assure male domination and exploitation. The origins of such practices may be found in the family, society and religion"

Asma Abdel Haleem, a human rights lawyer and Islamic scholar from Sudan, calls for a feminist re-interpretation of religion. She says;

" With regards to female circumcision, it is important that there be a final religious announcement clearly stating that it is a form of mutilation and therefore forbidden. It is not sufficient for religion to shun the practice. Religion should be used as a tool for condemning and preventing its occurrence. The participation of women in the reinterpretation of religion will be crucial"

Female Genital Mutilation is not a private issue or a concern of one nation. It affects around 100 million women who live in 28 African countries, a few minorities in some Asian countries and immigrants in Europe, Canada, Australia and the United States.

Every year around two million girls are at risk of being subjected to this cruel and unnecessary tradition. Their health is at risk and their lives, afterwards, will never be the same.

For those who say that FGM is only a problem for elite women, like myself, I invite you to come and sit with me in the outpatient Ob/Gyn clinics of Khartoum hospital, in my country Sudan, where I worked for many years. Thousands of women present themselves with vague complaints all metaphorically linked to their pelvices, which really means their genitals since they are socially too shy to speak of their genitals. They complain of symptoms of anxiety and depression, loss of sleep, backache and many other complaints uttered in sad monotonous voices. When I probe them a little, the flood of their pain and anxiety over their genitals, their sexual lives, their fertility and all the other physical and psychological complication of their circumcision is unbearable. These women are holding back a silent scream so strong, if uttered, it would shake the earth. Instead it is held back depleting their energy and draining their confidence in their abilities. Meanwhile the medical establishment treats them as malingerers and a burden on the health system and its resources.

Listen to the children's screams echoing from another country.

"The memory of their screams calling for mercy, gasping for breath, pleading that those parts of their bodies that it pleases God to give them be spared. I remember the fearful look in their eyes when I led them to the toilet, 'I want to but I can't. Why Mum? Why did you let them do this to me?' Those words continue to haunt me. My blood runs cold whenever the memory comes back. It is now four years after the operation and my children still suffer from its effects. How long must I live with the pain that society imposed on me and my children?"

This was the testimony of Miami the mother of circumcised children from Gambia.

I, together with many African women and men, uphold that Female Genital Mutilation violates the rights of girl children and since the effects last for life and are irreversible it violates the rights of women. As the practice stands to date it is mostly forced on children with or without their consent. This practice is not chosen. True choice can only be exercised if a person is above the age of consent. We therefore submit that FGM is a violation of the following Human Rights Treaties:

- 1) The Universal Declaration of Human Rights,
- 2) The Convention to Eliminate all Discrimination against Women.
- 3) The Convention of the Rights of the Child.
- 4) The African Charter on Human and People's Rights.
- 5) The African Charter on the Rights and Welfare of the Child.

Already the World Health Organization and other U.N. bodies have declared FGM as a health hazard and called for its abolition. Also most of the governments in the countries concerned have publicly condemned the practice. We demand that more active steps be taken to make the action against FGM effective. We ask that:

- 1) FGM and other cultural practices that interfere with women's bodies and personal integrity must be stated as a violation of human rights in the relevant conventions and all concerned governments must be persuaded to ratify them.
- 2) All professional organizations must pronounce it unethical for any of their members to undertake circumcising a girl under the age of consent. They must help train their members on how to provide safe, supportive and respectful health services for women who have already been circumcised.

3) International health and development agencies as well as national government must commit funds to programs to educate and counsel people against FGM and support communities action under the leadership of women.

4) At the appropriate time and in consultation with women's groups and national human rights and legal bodies; laws should be passed to prohibit the practice.

Female Genital Mutilation is not the only form of suffering women endure in our communities. Women are the ones who suffer most from lack of political freedom, civil wars, economic crises, poverty, famine and disease. Besides their general suffering, women carry the burden of social and family violence. In the name of social harmony and national priorities, women's suffering is always dismissed as too personal and unimportant, therefore not worthy of public attention. We say; no struggle, no plans for development and no democracy can be achieved without the participation of women in the economic, political and social development of their nations. But women must be allowed to participate as holistic beings and any part of their suffering cannot be compromised or sacrificed. Women's issues must become national issues and part of the global human rights concerns.

The United States government has the responsibility to address the issue of Female Genital mutilation the women who are American Citizens as well for the women in countries who receive substantial development aid from the United States. Measures to protect young girls from this procedure must go hand in hand with programs to serve the health needs of those women who have already suffered the procedure and support their action against it. Legal reform and mechanisms for protecting individuals; community organization and education; training for health professionals on treatments and counselling; are some of the measures that need to be supported. The allocation of adequate, ear-marked resources to fund activities against Female Genital Mutilation is crucial to their success. Such resources must be made available as a matter of priority.

Female Genital Mutilation is a serious and urgent concern for millions of women that can no longer be ignored or postponed. Action on it must be taken NOW.



International Human Rights LAW GROUP

**STATEMENT OF DONNA J. SULLIVAN
DIRECTOR
WOMEN IN THE LAW PROJECT,
INTERNATIONAL HUMAN RIGHTS LAW GROUP**

**BEFORE THE SUB-COMMITTEE ON INTERNATIONAL SECURITY,
INTERNATIONAL ORGANIZATIONS AND HUMAN RIGHTS OF
THE HOUSE COMMITTEE ON FOREIGN AFFAIRS
SEPTEMBER 28, 1993**

I am grateful for this opportunity to speak to you today about gender discrimination as a human rights violation. This hearing takes place at an important juncture in the efforts by women worldwide to secure recognition for our rights as human rights. Governments, intergovernmental organizations and multilateral institutions can no longer question that eliminating gender discrimination and violence against women belong on every human rights agenda. Women have broken the silence and we must now strengthen government accountability and empower women to effect legal and social change. The challenge for the US is to integrate women's human rights into its foreign policy and to lead the international community in supporting initiatives that will empower women as political and economic actors.

My comments today are based on the Law Group's experience working with women's rights activists in the Global Campaign for Women's Human Rights, our ongoing efforts to strengthen international standards and procedures for protecting women's human rights and to make those standards and procedures effective tools for change at the local level, and our partnerships with domestic human rights advocates to build the rule of law in such countries as Ethiopia, Guatemala, Cambodia, and Romania. Our mandate extends to the full range of civil, political, economic, social and cultural rights protected by the Universal Declaration of Human Rights and the two International Covenants on Human Rights.

Across all regions, women's basic human rights are denied in the name of religious and cultural "tradition", in the name of economic necessity or in the name of the sanctity of the family. If women are to participate as full partners in building democratic and peaceful civil societies, the structural inequality which hedges our lives must be dismantled. It is in our national interest to exercise moral and political leadership in the international community and expand efforts here at home to make rights a reality for women. Our foreign policy must give

women's human rights high priority and increased attention -- in US bilateral security assistance, administration of justice programs, democracy initiatives, and trade benefits and in US participation in decision-making by multilateral development institutions and the United Nations. To this end, a post should be created within the Department of State to ensure that women's human rights issues will be consistently integrated into US human rights policy.

Unfortunately, the US has yet to assert clear leadership in promoting gender equality internationally even when faced with egregious discrimination in such rights as political participation, which was the centerpiece of human rights policy under previous Administrations. For example, in an October 1992 press conference following the national elections in Kuwait, Acting Secretary of State Lawrence Eagleburger stated that while the Administration was disappointed that women were denied suffrage, the Kuwaitis "do come from a different culture and their views are substantially different from our's." This view that women's rights should be culturally determined can not be reconciled with the principle that human rights are universal.

US policy on women's human rights should be built on international human rights standards. In June 1993, Secretary of State Christopher announced that the Administration would move promptly to obtain ratification of the Convention on the Elimination of All Forms of Racial Discrimination and then turn to the Convention on the Elimination of All Forms of Discrimination Against Women (the Women's Convention), the American Convention on Human Rights and the Covenant on Economic, Social and Cultural Rights. One hundred and twenty-six states are now parties to the Women's Convention and US ratification is long overdue. We urge ratification of the Women's Convention as a matter of high priority. Ratification is essential if the US is to maintain moral and political authority on women's human rights in the global community -- the US cannot effectively influence other countries if we are unwilling to be held accountable for women's human rights here at home.

Following ratification, the US should support initiatives in the United Nations to strengthen implementation of the Convention, including the adoption of an optional complaints procedure under the Convention and enhanced human and financial resources to support the work of the expert committee charged with monitoring implementation of the Convention. In addition, we emphasize that ratification of the Racial Discrimination Convention and the Economic Covenant is also part and parcel of protecting women's human rights. Here in the United States as elsewhere, gender discrimination intersects with discrimination based on race or ethnicity and with poverty to strip women of the ability to exercise their rights in practice.

DE JURE GENDER DISCRIMINATION

The need to transform international guarantees of gender equality to reality could not be more acute. Notwithstanding the legal obligations and political commitments they have undertaken, governments in all regions continue to perpetuate discrimination against women and to tolerate such discrimination by private groups and institutions. Discriminatory laws remain on the

books even in those countries whose human rights records have been generally praised by the human rights community and other governments.

In Botswana, for example, the Government continues to ignore the decision of its highest court declaring the Citizenship Act unconstitutional because it discriminates on the basis of gender. In July 1992, Unity Dow successfully challenged the Act, under which Botswana women married to foreign men cannot transmit citizenship to their children, but the children of Botswana men married to foreign women automatically become citizens. The Attorney General argued that the Constitution permits this discrimination since "the whole fabric of the customary law in Botswana is based upon a patrilineal society...." To support this claim, he pointed to the existence of other statutes that discriminate on the basis of gender. The Court of Appeals ruled in Unity Dow's favor, but a key government ministry has responded by proposing a referendum to decide the legal status of women. Having sought equal protection of the law in a country recognized for its respect of the rule of law, Unity Dow stills finds her children without Botswana passports.

Such de jure discrimination in regard to nationality rights remains widespread, and in a number of countries, it is but one thread in a fabric of laws and practices that deny women equal rights in public life and within the family. In Egypt, for example, women face legal restrictions not only on their ability to confer citizenship on their children, but on their rights to inherit property, their freedom of movement and their marriage rights. Women inherit only half the share of men and they must secure their husband's or father's permission to obtain passports.

This past summer, fundamentalists instituted proceedings to divorce a Cairo University professor from his wife without consulting them. The lawsuit was filed on the grounds that the professor's "anti-Islamic" writings made him an apostate and she, as a Muslim women, could not remain married to him. Press accounts evinced surprise that divorce proceeding could be initiated without the consent of husband and wife, yet there has been little attention paid to the fact that men retain the right to repudiate their wives under Egyptian family law. Only men have the right to effect an extrajudicial, unilateral divorce.

Customary family law in a large number of African countries similarly denies women the equal protection of the law. Women's rights activists in those countries have called for an end to laws that render women legal minors under the guardianship of their fathers or husbands and curtail their rights to conclude contracts, own or transfer property, and maintain custody of or access to their children.

Even under criminal laws women may be denied equality before the law. In Pakistan, the Hudood Ordinances and Law of Evidence exclude women's testimony as a basis for conviction of rape subject to the maximum punishment -- an evidentiary restriction that is also applied in the Islamic Republic of Iran. Pakistani women who bring charges of rape risk prosecution for adultery, since trial courts have too often discounted women's testimony that they did not consent.

DE FACTO GENDER DISCRIMINATION AND THE DENIAL OF WOMEN'S ECONOMIC, SOCIAL AND CULTURAL RIGHTS

De facto discrimination cuts deeply into women's ability to exercise rights guaranteed by international and national law. Just and favorable conditions of work remain elusive for women, who suffer from discrimination within the paid labor force and the informal and non-monetized sectors of national economies. Significant wage differentials and other employment discriminations persist even in industrialized countries. In Japan, the average monthly wage for women is approximately 60 percent of the male wage. In Russia, women are the most likely to be laid off first in the depressed economy. In Barbados, the ILO found that women in the sugar industry were denied equal pay for work of equal value.

Women in the informal sector are particularly vulnerable to exploitation, as they lack the protection of labor, health and safety regulations. An increasing number of women work in the informal sector, which has grown with increasing urbanization in a number of countries. In a 1991 report, the World Bank estimated that 53 percent of urban women and 95 percent of rural women in India work in the unorganized sector. Sixty percent of Indian women are unpaid family workers

Discrimination in women's access to education spirals into subordination in the family, in the workplace and in political life. Women's health and their control over their reproductive lives are closely linked to their level of education. Literacy as an aspect of the right to education must be seen as an indispensable element of strategies for empowering women to participate in political and economic life.

The lethal impact of discrimination on basic economic, social and cultural rights can be traced in preferences for boy children that result in inferior nutrition, medical care and education for girls, in maternal mortality and in morbidity and escalating HIV/AIDS infection and mortality rates for women. As the Global Aids Policy Coalition stated "[d]iscrimination creates an environment of increased risk for women (less capacity for prevention, less access to care, less attention from and participation in research); vulnerability to HIV/AIDS is directly linked to the inequality of women and lack of respect for their rights." The global AIDS pandemic is but one of the many epidemics -- of cholera, sexually transmitted diseases, tuberculosis -- tied to cutbacks in basic social services that endanger women's right to the highest attainable standard of physical and mental health.

Effective US policies for promoting and protecting women's economic, social and cultural rights will require guidelines that take into account the macroeconomic context. In Latin America and Africa, women have borne the brunt of debt reduction and structural adjustment policies (SAPS). SAPS have had a disproportionate impact on women in poor and low income communities and within their own households. Cuts in government employment force women out of the paid labor market and exacerbate pre-existing differentials in unemployment. As governments have cut spending in basic social services, women's access to nutrition, education and health care has been further restricted. More than 37 of the world's poorest countries cut

air health budgets by half through the 1980s. These reductions cannot be attributed merely to economic constraints: decisions about how to allocate available resources reflect a lack of commitment to ensuring basic economic rights. In Africa, some governments -- including Egypt, Ethiopia, Angola, Burundi, and Zaire -- reduced public expenditure on health, even as they boosted military spending.

Under the impact of SAPS and economic inflation, women have been forced to increase their work in the market and the household. In many Latin American countries, women's productive and reproductive labor has been accompanied by their work on a third front -- community efforts to meet survival needs. Women have provided leadership and labor in urban popular movements in Peru, Mexico, Chile and Ecuador.

In urban and rural areas of Latin America and Africa women increasingly face these burdens as heads of households, as a consequence of displacement caused by conflicts, abandonment, and male migration. The United Nations estimates that in the early 1980s, at least 20 percent of households were headed by women in all regions except Asia and the Pacific. Women-headed households are generally poorer than those headed by men. The rise in the number of woman-headed households has combined with urbanization prompted by displacement, environmental degradation and loss of land to support subsistence agriculture to isolate women and their children in urban slums.

THE UNITED STATES' RESPONSE: GUIDELINES FOR PROMOTING AND PROTECTING WOMEN'S HUMAN RIGHTS

The US should urge multilateral development banks to support programs that will compensate for these denials of women's basic economic, social and cultural rights under SAPS. In addition, the US should ensure that assessments of governments' human rights records pursuant to the International Financial Institutions Act include evaluations of women's human rights. The Women's Convention should serve as a yardstick against which respect for women's human rights in all fields -- civil, political, economic, social and cultural -- is measured.

Democracy initiatives must empower women as actors in the efforts to build and rebuild civil societies. Programs to promote democratic development must move beyond counting the number of elections held. They must promote compliance with the Women's Convention and other international human rights treaties and strengthen women's ability to participate in building durable democratic institutions. Women's political participation cannot be assessed merely by counting the number of women in elected office. Aid policies must empower women to effect the necessary changes in legal, social, political and economic structures that block their full and equal enjoyment of human rights and fundamental freedoms.

The US should provide direct support for, and leadership in securing bilateral and multilateral support for, initiatives that will dismantle the legal, social and political structures that perpetuate women's inequality. Women's groups -- including grassroots organizations -- must be active partners in, not the passive targets of, planning, implementing and evaluating projects.

The US should actively seek out programs that protect women's right to equal access to land and credit and their equal rights to own, inherit and manage property, including public interest challenges to gender discrimination in inheritance and other property rights.

In order to support policy decisions that will reflect the reality of de jure and de facto gender discrimination in all categories of rights, US monitoring and reporting on women's human rights must be expanded. In particular, the State Department Country Reports on Human Rights Practices should address discrimination with regard to women's economic rights more fully. Neither the sections on general discrimination or workers rights adequately reflect the status of women in the informal and non-monetized sectors. Greater detail is needed with regard to the dimensions of civil and political rights. For example, an evaluation of women's political participation requires more than a tally of women in public office and country reports should include information on women's participation in voter education initiatives, safe access to polling places and literacy training. Women's groups are an essential, but largely untapped source of information on women's human rights. The Women's Convention should serve as the framework for assessing progress in eliminating gender discrimination in all categories of rights.

Finally, where Congress is mandated to review and curtail foreign assistance to countries which engage in a consistent pattern of gross violation of internationally recognized human rights, all such reviews should include assessments of women's human rights based on international human rights standards. Governments cannot be permitted to escape scrutiny of their record on women's human rights by citing religious or cultural practice. In addition, Congressional review of trade preferences under the Generalized System of Preferences Renewal Act of 1980 must include attention to the rights of women workers, including an evaluation of the impact of trade practices and preferences on women's human rights in beneficiary countries.

Abuses against women a worldwide pattern that must be stopped

By LAURA SCOTT
Of the Editorial Staff

Across the globe, gender bias against women and children turns violent, taking many horrible and deadly forms. All too often, the violence is routine, and accepted as the fate for being female.

In eastern countries of Africa and parts of Asia, young women are forced to undergo sexual mutilation so they will be guaranteed virgins on their wedding night. In India, brides are burned because their families do not pay an adequate dowry. In China, female infanticide occurs regularly because families under child quotas want a son. In Bosnia, hundreds of women have been raped and killed as conquests of war.

Despite the atrocities that these acts against women and female children represent, they largely have gone unchallenged by the international community and human rights organizations. So have many other cases of individual torture, rape, beatings and deprivation in Asian, African and Latin American countries.

But strangely, violence against women and the subjugation of them have been treated as cultural traditions rather than criminal acts. They have been viewed as religious or family practices best left alone. One country's ways largely have not been considered another's business, despite the horrors perpetrated on innocent citizens.

But recently there have been signals that this country, and others, are not going to look the other way any longer. The abuses are being called what they really are: not cultural preferences, but human rights violations.

Rights organizations and leaders of this country are beginning to zero in on gender-based violations of law and morality. They are taking steps to bring them to the forefront and make them a priority for international governments.

The signals include:

■ The activity at the United Nations Conference on Human Rights in Vienna last June, where women's rights took a front seat with a declaration that "eradication of all forms of discrimination on grounds of sex are pri-

ority objectives of the international community."

■ President Bill Clinton's urging that the Senate ratify four human rights treaties initially signed by President Jimmy Carter, one of which seeks to eliminate gender discrimination.

■ Clinton's endorsement of a special United Nations investigator on violence against women.

■ The formation of the Congressional Working Group on International Women's Human Rights, led by Kansas Rep. Jan Meyers and other congress members who will put pressure on governments which tolerate abuses against their women citizens.

Meyers' group is one of the most activist ways that high officials in this country are becoming involved. This is the first human rights effort that really is gender-specific, Meyers said.

The members of Congress will send letters and cables to foreign heads of state about abuses against women. The abuses first will be identified by Human Rights Watch, a respected monitoring group, and reviewed by the working group's steering committee before the letters are sent.

The Kansas congresswoman believes that these letters on behalf of individual women or groups will have an impact because she has seen it happen in other similar endeavors. The impact comes about because of the powerful position that Congress members hold in this country, and the potential repercussions for other countries on trade or foreign aid, for instance.

"Right now, there is a cloud over trade with China because of human rights abuses in that country," Meyers pointed out. "When a great number of Congress people speak, other countries listen."

The working group is bipartisan, with Meyers, Sen. Patty Murray, a Washington Democrat, and Rep. Joe Moakley, a Massachusetts Democrat, acting as organizers, and so far, the steering committee.

The congressional representatives will focus on pursuing cases that involve state-sponsored or state-tolerated violence against women.

Meyers said it would not be limited

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"Right now, there is a cloud over trade with China because of human rights abuses in that country. When a great number of Congress people speak, other countries listen."

Rep. Jan Meyers
Kansas Republican

Laws against abuse often aren't enforced

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to individual cases but "where gender is a motivating force in abuses against women — where government sanctions this kind of abuse, and may have a law on the books against it, but looks the other way when it happens."

Two countries where widespread abuse of women is occurring seem to fall into that category, and were cited by Meyers when she announced the working group's formation.

One is Peru, where government security forces rape women while Shining Path terrorists target women leaders for assassination. The other is Thailand, where local police are involved in forcing prostitution on women from

Burma and other neighboring countries.

Many other examples have been cited by organizations which were involved in a global tribunal on behalf of women's rights as part of the Vienna conference. Indeed, the discrimination and acts against women are worldwide, and can be linked to gender bias which is pervasive in most societies.

In its recent study of 33 countries, the United Nations Development Fund found none where women have educational, employment and health care opportunities equal to those of men. Among those it looked at were Japan and the United States.

"No country treats its women as

well as it treats its men," the report said. The U.N. found that discrimination against women in industrialized countries is mainly in employment and wages. In developing countries, there also is a difference in health care, nutrition and education.

Against such a backdrop, it is no wonder that violence against women is disregarded in many countries. And it is no wonder that many countries have brushed off international attempts to get them to respond to the abuses their women and children suffer.

Efforts in this country by high-ranking elected officials, as well as more attention by human rights organizations, are necessary and vital ways to force change.

Women Asking U.S. Asylum Expand Definition of Abuse

By DEBORAH SONTAG

Special to The New York Times

BOSTON — One September night, the night of the 1992 military coup against President Jean-Bertrand Aristide of Haiti, a tall, slender young woman limped through the streets of Port-au-Prince in a tattered nightgown. Then 18 years old, the woman, W. Louis, had just been beaten and gang-raped in retaliation for her male cousin's pro-Aristide activities.

W. Louis and her cousin fled

Haiti six weeks later by boat, spent five months at the American naval base in Guantánamo, Cuba, and were then admitted to the United States to apply for political asylum. As a rape victim, she agreed to speak only if she was identified by her last name.

Her cousin, a student leader threatened with death, is typical of the thousands of men who seek asylum in this country each year. But W. Louis, as a woman and a rape victim, is presenting a type of claim that until recently was seldom heard. Now 18 and a high school student in Boston, she is one of a growing number of women seeking asylum on the ground that they suffered different forms of political persecution because of their sex.

Atmosphere Is Changing

Immigration law has tended to ignore the plight of refugee women. Lawyers and immigration officers often follow their standard line of questioning about politics, and the personal stories of the women never come out. Many judges and immigration officers treat rape and battery — even at the hands of government officials — as private acts. And many interpret a woman's transgression of social mores, the refusal of an Iranian woman to cover her head, for instance, as wardrobe choices rather than political expression.

But change is afoot. Even though many countries have grown less tolerant of refugees in general, international sympathy has grown for the traumas of



Sarah Putnam for The New York Times

This Haitian refugee could not discuss a rape by officials.

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women fleeing persecution. The rapes of Muslim and Croat women in Bosnia have been portrayed worldwide as war crimes, not just sexual violence. The United Nations High Commission on Refugees has issued guidelines for evaluating women's applications for asylum, and Canada's Immigration and Refugee Board has started granting asylum to women persecuted because of their sex.

In the United States, advocates for immigrants are using scores of test cases, involving rape, domestic violence and defiance of state restrictions on women's activities, to try to expand the grounds for granting asylum.

The Immigration and Naturalization Service is also studying Canada's new policy to see if it will revamp its own handling of such cases, said Gregg A. Beyer, director of asylum. Although some critics of the asylum system worry about opening the door to yet another category of applicants, Mr. Beyer said that there would be no blanket admissions policies.

'It's Case by Case'

"There's always a fear that anything, even a new nationality or a new category like women or gay people, will open up the floodgates," he said. "There's a perception that if a woman from a Muslim country got asylum, many might come thinking they're now all eligible. But they wouldn't be. It's case by case, individual by individual."

The test cases brought by advocates for immigrants vary from that of a Honduran woman in New York City whom Honduran police repeatedly refused to protect from her severely abusive husband to that of an Iranian feminist in Boston, an artist who was forced underground in the early 1980's for painting women in nontraditional roles.

"It was a very hard period of my life," the Iranian artist, now an art teacher at a day-care center, said in an interview. "First, the authorities insisted that we must cover our heads and bodies to protect us from men, as if we were living in a jungle and the tigers were always ready to pounce. And then all my friends were executed."

Different Fates in Court

The women's experiences in the courtroom vary, too. In San Francisco, an El Salvadoran woman whose husband was an informer for the army asked for refuge in this country because she had been repeatedly gang-raped by guerrillas. During three hours of halting testimony, as she kept her face covered with her hands, the immigration judge clipped his fingernails, said Jonathan Melrod, an immigration lawyer who represented the woman. But in the end, her testimony was so compelling that the judge granted asylum.

Another El Salvadoran, Sofia Campos-Guardado, was not as lucky. Ms. Campos-Guardado, whose male relatives were active in an agricultural cooperative, had been bound, gagged and forced to watch as guerrillas hacked the flesh from her cousins' bodies and shot them to death, according to

court documents. Then she was raped while her attackers shouted political slogans, and repeatedly threatened if she did not keep silent.

The United States Court of Appeals for the Fifth Circuit, in New Orleans, found that there was no evidence that Ms. Campos-Guardado was raped because of her political opinions and decided that her rapists' threats were entirely personal.

"There is no question that the I.N.S. and judges tend to ascribe personal motivations to persecutors when the harm is sexual," said Deborah Anker, a lecturer at Harvard Law School who is an expert on asylum. "In the same way, it is rare to have feminism recognized as a political opinion."

Legal Framework in Question

By law, political asylum is granted to an individual with a well-founded fear of persecution because of one of these five grounds: race, religion, nationality, membership in a particular social group or holding a political opinion.

Some asylum experts say that most women's cases can be argued under the current legal framework — that W. Louis, for instance, could be seen as belonging to a specific social group (Haitian women who suffer sexual retaliation for the political activities of their male relatives) or as possessing, by imputation, the political opinion of her cousin.

"The current refugee definition can work," said Nancy Kelly, a lawyer with the Women's Refugee Project at Cambridge and Somerville Legal Services in Massachusetts, "but if and only if we rethink the way women's cases are handled, taking a new look at the political nature of many seemingly private acts and understanding that many countries simply fail to protect their women."

Still, many lawyers push for a more radical approach by adding persecution because of sex as a sixth ground for asylum.

"As it stands now, unless the rapist said to the woman, 'I'm raping you because you spoke out against the government,' it is unlikely a judge will find that she has been persecuted on account of her political opinion," said Robert Jobe, a San Francisco immigration lawyer.

Although immigration officials do not keep such statistics, it is believed that only a fraction of political asylum cases involve women. Very few women flee their homelands alone, and most women who leave with male family members end up deriving asylum through the men's applications. Until recently, few lawyers or immigration officials took the time to elicit stories from women. And many women refugees who have been sexually attacked are reluctant to tell even their family members, much less a male lawyer, immigration official or judge.

In Boston, a 27-year-old Haitian woman who spoke only on condition that she be not identified, could not bring herself to tell a male immigration judge that she had been arrested, beaten and finally raped. She had

sworn to this story in her written application for asylum, but standing before the judge in his robes, she froze and denied she had ever been attacked.

"I felt ashamed," the woman said in an interview, unable to look a female reporter in the eye. "I didn't think the man would consider what happened to me to be so bad."

Because of experiences like that Haitian woman's, many immigration lawyers say the Clinton Administration's new plan for the expedited exclusion of asylum seekers at ports of entry will discriminate against women. In a formal memorandum, Representative Nancy Pelosi, Democrat of California, has protested what she sees as the discriminatory nature of the plan, which provides for the speedy deportation of asylum seekers after an on-the-spot hearing and quick appeal, if requested.

Hope Frye, president of the American Immigration Lawyers Association, said, "It's just not possible for a woman to tell a stranger in uniform at a foreign airport the grisly details of how she was gang-raped by people in uniform in her own country."

The asylum test cases involving battered women are particularly challenging, and that of a 57-year-old Iranian woman here is especially haunting. The woman, who refused to be identified by name, lived in a town dominated by her extended family, whom she described as descendants of Muslim royalty. Forced to marry her first cousin, she was also forced to try repeatedly to bear him children, although doctors warned that generations of inbreeding would produce genetic casualties. Indeed, after eight pregnancies, the woman lost five children with major birth defects, bore two blind sons and one healthy one.

The woman considered herself a prisoner in her home, subjected to rape after rape by her husband and unable to complain to anyone in her family. When a cousin had complained about an arranged marriage and tried to date a man of her own choice, the family had arranged her murder, she said.

The woman fled Iran with her two blind sons to secure them medical treatment at Massachusetts General Hospital in Boston. She said she has given up on her own life.

VIOLATIONS OF WOMEN'S HUMAN RIGHTS

TESTIMONY BY
JOHN SHATTUCK

ASSISTANT SECRETARY OF STATE
BUREAU OF HUMAN RIGHTS AND HUMANITARIAN AFFAIRS
DEPARTMENT OF STATE

BEFORE THE HOUSE FOREIGN AFFAIRS SUBCOMMITTEE ON
INTERNATIONAL SECURITY, INTERNATIONAL ORGANIZATIONS
AND HUMAN RIGHTS

SEPTEMBER 29, 1993

Mr. Chairman, Members of the Subcommittee, I am honored to appear before you today. I commend you for holding this hearing on the important issue of violations of women's human rights. Promotion of the rights of women is one of the highest priorities of President Clinton's human rights agenda, and it is central to the work of the Bureau of Human Rights and Humanitarian Affairs. By holding these hearings, this subcommittee has helped focus attention on crucial aspects of the women's rights agenda, and I am delighted to contribute to this effort. Working together, I am confident that we can strengthen measures to attack gender-based abuses that persist around the world.

I

Three years ago, when this Subcommittee held its first hearing on this subject, witnesses expressed concern that insufficient attention was focused on abuses of women. I would have agreed with this assessment then, and I am pleased that significant progress has taken place since then, particularly in recent months.

A major recent victory for women's rights was achieved at the World Conference on Human Rights, where a very active U.S. delegation worked closely with women's groups to promote a substantial women's rights agenda. Women's groups were among the best organized and most effective of the hundreds of

governmental organizations participating in the Conference. Courageous survivors of gender-specific violence from countries around the globe spoke out at the Conference's Women's Tribunal, emphasizing the truth of the simple but often ignored slogan: "Women's Rights are Human Rights." The U.S. Action Plan for the Conference, which was substantially adopted in the Conference's Final Declaration, called for the systematic integration of women's issues into UN human rights programs; training of UN personnel to ensure sensitivity and competence in addressing gender-based abuses; and the appointment of more women to positions of responsibility within the UN.

In another sign of recent progress, the United States is helping lead the effort at the United Nations toward appointing a United Nations Special Rapporteur on Violence Against Women, as well as the adoption of a UN Declaration on Violence Against Women. In addition, we have continued and strengthened our monitoring of women's rights worldwide. For example, our annual Country Reports on Human Rights Practices have grown increasingly detailed in their coverage of gender-specific issues. U.S. embassies are now instructed to report in greater detail any evidence of systematic physical abuse of women, governmental attitudes towards such abuse, and the extent of governmental efforts to curtail abuses. Although human rights

violations against women have never been ignored in the reports, they are now significantly highlighted.

The Clinton Administration strongly supports the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW): to promote women's equality and to eliminate gender-based discrimination. Secretary of State Christopher announced at the World Conference on Human Rights that the Administration will ask the Senate to take up first the ratification of the Convention on the Elimination of All Forms of Racial Discrimination. After the Senate acts on the Race Convention, we will move for ratification of the Women's Convention, which was signed and transmitted to the Senate in 1980 and has been pending ever since. We believe our step-by-step approach toward human rights treaty ratification--developed in consultation with interested Senate offices--will best ensure broad and bipartisan support for the human rights treaty ratification process.

II

As you know, the Human Rights Bureau monitors violations of human rights in every country in the world. The infringement of women's rights knows no geographical boundaries. While

men in some countries undoubtedly experience greater discrimination and marginalization than in others, this is not a problem confined only to a few nations. In many cases, women nominally have equal standing in law but governments interpret and enforce the laws in a discriminatory manner.

It is a disgrace that in 1993 women throughout the world are still subject to onerous and discriminatory restrictions of such fundamental freedoms as voting, marriage, travel, testifying in court, inheriting and owning property, and retaining custody of children. All too often, girls and women find that their access to education, employment, health care, and even food is limited because of their gender. Domestic violence affects women in every country in the world. Trafficking in women who are either duped or coerced into prostitution is rampant in Asia and elsewhere. For example, the most recent human rights report noted that the sex trade in Thailand involves thousands of women and children, many of whom are forced or tricked into prostitution and are held as virtual captives by brothel operators. Sadly, as the Washington Post recently reported, some Eastern European women are the most recent additions to the ranks of women who are sexually exploited for the profit of others.

Specific examples of women's relegation to inferior status can be found in many parts of the world. For instance, in our latest human rights report, we noted that "women in Saudi Arabia have few substantive political and social rights, and they are not equal members of society. Some Saudis condone the 'strict disciplining' of women, including the use of physical force, as part of a proper marriage. Restrictions on women's rights are pervasive and extend from strict dress requirements to restrictions on travel. Women, including foreigners, may not even legally drive vehicles, and there are restrictions on their use of public facilities when men are present."

In Iran, women have been harassed, detained, or physically attacked if they appear in public in clothing that official guardians of public morality deem insufficiently modest. In Saudi Arabia, Kuwait, and some other Gulf countries, female domestic servants lack substantive protection from abuses and violations. In Kuwait, in the period from April 1991 to July 1992, there were 72 reported cases of physical abuse or rape involving domestic servants.

In some of the newly-democratic countries in Eastern Europe and the former Soviet Union, layoffs and unemployment brought about by economic restructuring have often been imposed on women disproportionately.

In many African and Asian countries, although women are nominally equal under the law, their access to education, health care, and economic independence is often restricted in practice. Women's lack of education and access to income often contributes to their vulnerability and exploitation. In developing countries on all continents, the Agency for International Development (A.I.D.) has programs to increase women's access to education, health care and income. A number of A.I.D. activities include legal rights education, along with other basic services targeted to women.

The terrible custom of female genital mutilation is widespread in many countries in Africa and also occurs in Yemen and Oman, as our human rights reports note. Female genital mutilation is estimated to affect over 70 million women world-wide. This ritual, when practiced in its most extreme form, can lead to hemorrhage, shock, infection, inability to consummate marriage, urinary tract infection, pelvic inflammatory disease, infertility, psychological trauma, increased maternal mortality, and death. The United States views female genital mutilation as both harmful to women's health and a violation of their right to physical integrity. The eradication of this abusive practice has been impeded by the fact that it often reflects deeply-rooted traditions. We support the work of the World Health Organization in its

efforts through education and medical assistance to bring about the elimination of this practice in countries which allow it. A.I.D. has also sponsored studies to better understand the socio-cultural and economic conditions that contribute to female genital mutilation and has funded a number of health and population-related activities in Somalia to counter the practice.

Women are also subjected to human rights violations because of their political beliefs, cultural background, or their relationship to men who are subject to persecution. Women are all too often raped while in detention by government officials murdered because their dowry is considered insufficient; or murdered with impunity by jealous husbands whose crimes go unpunished because they involve the man's "honor." Refugee women are especially vulnerable, often subject to rape and exploitation in exchange for access to relief supplies or assistance with documentation.

In areas ravaged by war, women are frequently rape victims of rampaging armies. Historically, such crimes of mass rape have gone unpunished. Now, the UN War Crimes Tribunal on the former Yugoslavia, which the U.S. has played the leading role in establishing, will have the opportunity to begin to reverse this shameful legacy, when the Tribunal investigates and

prosecutes violations of the Geneva Conventions. Although all sides in the Bosnian conflict have committed rape, by far the worst abusers have been the Bosnian Serbs, who have used systematic sexual abuse of women and girls as a weapon of war. It is an integral part of their campaign of "ethnic cleansing," and Bosnian Serb military units and prison guards have used massive systematic rape to terrify the Muslim population. Muslim women and girls have been herded into "rape camps". In some instances, women and girls have been repeatedly raped until they became pregnant and then imprisoned for months to keep them from terminating their pregnancies, forcing them to bear children against their will.

Some governments excuse the fact that women have a lesser status than men by pointing to culture and tradition. However, culture and tradition cannot excuse gross and systematic violations of human rights. One of our primary goals at the World Conference on Human Rights was to stress that human rights are universal. As Secretary Christopher said in his speech to the Conference, "we cannot let cultural relativism become the last refuge of repression." We cannot allow women to be the exception to the fundamental principle of human rights universality. The U.S. affirms the principle of cultural diversity, but does not believe cultural intolerance

should be used to justify abuse of human rights. We believe that we should help to promote local women's groups' efforts to improve the status of women, and we should continue to make clear to governments that we are concerned about systematic gender violence and gross discrimination. Governments that promote or turn a blind eye to gender-based violence are denying basic human rights.

III

The Clinton Administration regards promoting the cause of women's rights as a key element of our overall human rights policy. Addressing abuses against women is a complex and difficult task, and we are committed to moving forward in the following specific areas:

1. By supporting ratification of the Convention on the Elimination of Discrimination Against Women, we will demonstrate how seriously we take our international legal obligations to protect the rights of women. This treaty requires States Party to condemn and work to eliminate discrimination against women. Among other measures, States must embody the principle of equality of men and women in their constitutions and laws, adopt laws and other measures

(including sanctions if necessary) prohibiting all discrimination against women, and take measures to eliminate discrimination against women by any person, organization or enterprise. States must also act to ensure the full development and advancement of women in the political, social, economic and cultural fields.

2. As we press for implementation of the recommendations of the World Conference on Human Rights, we will focus with particular attention on the agenda for women's rights. We were pleased that the Conference Final Declaration endorsed positions taken by the U.S. Human Rights Action Plan. The Vienna Declaration calls for the integration of the human rights of women into the mainstream of United Nations system-wide activity and stresses the importance of working toward the elimination of violence against women, sexual harassment, exploitation and trafficking in women, gender biases in the administration of justice, and harmful traditional practices. The Declaration also calls for universal ratification of CEDAW by the year 2000, reaffirms the right of women to accessible and adequate health care and the widest range of family planning services, and urges governments to facilitate the access of women to decision-making posts. Another important provision calls for the appointment by the UN Human Rights Commission of a Special Rapporteur on Violence

Against Women. Finally, the Declaration urges that the human rights of women play an important role in the deliberations of the 1995 World Conference on Women.

3. The World Conference on Human Rights also called for the establishment of a UN High Commissioner for Human Rights. The United States strongly and actively supports this proposal, and believes that the creation of this position will enhance the integration of women's issues throughout the UN's human rights machinery. We will also consider introducing resolutions in the United Nations General Assembly, Commission on the Status of Women, and Human Rights Commission to address issues raised in this Subcommittee's hearings on women's human rights.

4. As the War Crimes Tribunal moves forward with prosecuting crimes committed in the former Yugoslavia, the United States will press for the assembly of evidence to prosecute systematic rape as a war crime and a tool of ethnic cleansing. We are pleased that the U.S. candidate for one of the eleven judgeships on the Tribunal, Judge Gabrielle Kirk McDonald, was elected to the Tribunal and received more votes than any other candidate.

5. The elimination of abuses and discrimination against women will be an important factor in our overall consideration of the

human rights records of countries interested in receiving U.S. aid and trade benefits. Our efforts to promote democracy, which include the administration of justice and broad citizen participation in social and political life, will be a major vehicle for advancing women's rights in new and emerging democracies around the world.

6. As I noted above, an integral part of our human rights reports is examining the ways in which women are subject to gender-specific discrimination and abuse. In addition, our embassies abroad report throughout the year on the status of women in host countries. This year's instructions to overseas posts on preparing the 1993 human rights reports emphasizes that abuses targeted at women should be included throughout the report in the appropriate section. For example, rape by government officials would be covered in the section on torture; restriction of voting rights would be covered in the section on the right to choose one's government, and so forth. There is also a separate paragraph in the instruction cable specifically requiring that our embassies and consulates report on trafficking in women.

7. I am aware of proposals by both the House of Representatives and the Senate to create a full-time position within the Bureau of Human Rights to address women's issues. I

note that an employee within the Bureau has always included women's rights in her portfolio. Whatever the outcome of the Senate and House proposals, I can assure you that I plan to assign someone to work on these issues full-time.

. . . .

Promoting the equality of women is an essential component of this Administration's human rights and democracy policy. As Secretary Christopher said when he addressed the World Conference on Human Rights, "Violence and discrimination against women don't just victimize individuals; they hold back whole societies by confining the human potential of half the population. Guaranteeing women their human rights is a moral imperative. It is also an investment in making whole nations stronger, fairer, and better." We look forward to working with the Congress toward the realization of this common goal. I would be happy to answer any questions you may have.

HOUSE FOREIGN AFFAIRS COMMITTEE
SUBCOMMITTEE ON INTERNATIONAL SECURITY,
INTERNATIONAL ORGANIZATIONS AND HUMAN RIGHTS
STATEMENT BY
RICHARD M. MCCALL
AGENCY FOR INTERNATIONAL DEVELOPMENT
SEPTEMBER 29, 1993

Introduction

Mr. Chairman, Members of the Subcommittee, I am pleased to testify at this hearing on the subject of women's human rights. The Administrator of The Agency for International Development (A.I.D.), Brian Atwood, has asked me to commend you on your leadership in this area. He also asked me to assure you of his personal commitment to the needs of women in developing countries and of his conviction that a proper focus on the role of women in development is the key to progress in many societies. The sad fact is that, despite progress made by governments to improve the social, economic and legal status of women, discrimination and human rights violations based on gender are present on every continent. A vicious cycle persists through which women's low social, economic and political status renders them more vulnerable to abuses of their human rights and their unequal rights reinforce their low status. We must do more.

A.I.D. is committed to breaking this cycle. Women must be empowered and gender issues must be integrated fully into all development assistance programs and this effort has begun. A.I.D. is strengthening programs to empower women across the entire spectrum of development, including: basic education for girls; legal changes and education related to women's rights

human rights; women's political participation; adequate maternal nutrition; family planning and health care; and, microenterprise lending.

Over the last two decades there has been significant, although still insufficient, progress in integrating gender concerns into development. We are more aware of violations of women's human rights and of the role of women in development, thanks in large part to hearings such as this. It is a sign of this growing awareness that there are three international meetings in the next two years which will address issues related to women's status and rights. A.I.D. will play a major role in both the 1995 World Conference on Women, the International Population Conference in 1994 and in the Social Development Summit in 1995. Lastly, we can thank the activism and strength of women's organizations throughout the world which are a force for change not only for women, but also for their families, communities and the development of their societies.

Twenty years ago, as a result of the initiative of the Congress, the United States Government was the first donor to officially acknowledge that women are a crucial resource for development, but that women and their contributions are often overlooked. In 1974, with the establishment of the Office of Women in Development, A.I.D. began efforts to promote the integration of women into the development strategies of the countries in which we work as a means of improving their status and of making total development efforts more effective. A.I.D.

has remained the leader among OECD/DAC donors in this field for two decades.

A.I.D. actively supports changes in laws and policies to accord women full human rights and to educate them on their rights. A.I.D.'s most important and far-reaching contribution to breaking the link between gender-based inequalities in human rights and women's low status is to address some of the underlying conditions which make women vulnerable to violations of their rights. In developing countries, gender-based stereotypes and social, cultural, economic and educational expectations continue to undermine women's equal participation in society and the exercise of their full human rights. The gap between males and females on a number of basic indicators is striking. For example, most of the 780 million people in developing countries who are malnourished are women and children. In 1990, an estimated 948 million people in developing countries were illiterate and almost two-thirds were women.

Under this Administration, A.I.D. will give top priority to the empowerment of women and the protection of their human rights through education, increased economic opportunity, family planning and health services, and support for indigenous women's organizations. We do this not only because it is morally right, but also because democracy and sustainable development are not possible without the equal participation of women. We must be humble in addressing these challenges because we ourselves are not totally free of gender-based expectations as shown by the

recent U.S. study "How Schools Shortchange Girls".

Experience and research over three decades have shown that women's role in development is often as great as, or greater than, that of men. Despite their low levels of education and resource-poor status, women produce about half the food in the world and make-up 60-80% of the agricultural labor in Africa. They continue to play a significant role in the fight for democracy. Women are often the primary managers of natural resources at the local level, although they frequently lack land tenure and must stretch their time and energy to meet the needs of their families. To continue to allow half of humanity to be handicapped by social, economic, political and legal constraints is to jeopardize the achievement of sustainable development and the prospects of the next generation.

Poverty, Economic Growth and Gender

Poverty has a particularly harsh impact on women in developing countries where 1/5 of the world's population still lives on less than \$1.00 per day. Women are rendered more vulnerable to poverty than men by social, economic and legal barriers that deprive them of access to land, capital, education, and health care, and even food. Women are disproportionately represented among the world's poor and a large proportion of poor households are headed by women. It is estimated that more than one third of all households are headed by females and, in rural Africa and the urban slums of Latin America and Asia, the percentages are even higher.

Women's contribution to economic growth is significant in the productive sectors of national economies. However, the urban informal sector, low resource farming and unpaid family productive labor -- in which women most often work -- are poorly measured by national statistics. The economic value of women's unpaid household labor alone would add an estimated four trillion dollars, or about one-third, to the world's annual economic product. While their brothers are in school, girls as young as 5 and 6 years of age are often kept out of school to help with this household labor which includes food production and processing, collection of water and fuelwood and, child care.

In the informal sector most women are either owners, operators, and/or employees of unregistered, illegal, small businesses and microenterprises. These women are often unable to get credit. To address the credit constraint A.I.D.'s microenterprise program pays special attention to the needs of women and 56% of the loans have gone to women. In A.I.D.-assisted credit programs in Kenya, Bolivia, South Africa and Indonesia, for example, women account for 60 to 90% of borrowers. Not only is denial of credit to women discriminatory, it does not make economic sense, for women have a better record of repaying their loans than men. In El Salvador, A.I.D. has given a highly successful \$9 million grant to a Salvadorean non-profit agency to provide credit to low-income microentrepreneurs with virtually no access to formal sector credit. The program offers loans of \$50 to \$300 through "village banks" which are, in fact, support

groups of 20-50 very poor borrowers, mostly women. The results include: 93% of the members reporting that their families' nutrition had improved; 73% reporting improvements in their own health; 64% reporting that their children were in school and 95% stating that they felt more self-confident since joining the village bank.

Women and the Transition to Democracy

On every continent, women's participation in the recent movement towards democracy has been active and significant. Women have demonstrated, organized their networks and resources and safe-housed pro-democracy activists. Women have risked violence and death and many have been beaten, raped, shot and killed as a result of their democratic activism. Women are committed to democracy because they see it as the most viable political framework through which their pragmatic concerns and the well-being of their families can be addressed.

However, women's commitment to and role in fostering democracies and their significant contributions to national economies, family and community welfare remain poorly recognized by the policy makers of the new democratic governments. As a consequence, women's issues go largely unheard and unaddressed even within the framework of democratic systems. In most of the formerly communist countries, women actually have lost political representation and income opportunities under the new democracies. Ironically, their status has been reduced by democracy.

A.I.D. is funding programs to support women's human rights and political participation. For example, in Swaziland, A.I.D. will enable an indigenous organization to conduct human rights workshops for women and produce newsletters to educate community leaders and the public on civil and legal issues. A.I.D. has recently funded a program to increase women's political participation in six Asian democracies. This program will assist grassroots women's organizations, female politicians and poor women to become full partners in political participation through leadership training, civic education, legal rights education, legal aid, and training of women journalists.

Fertility and Population Growth

The ability of women to regulate their fertility is fundamental to their empowerment. Lack of control over women's own fertility can stand in the way of their education and economic participation. Very young women are often passed directly from the authority of their fathers to that of their husbands, and once married, may lose the opportunity for further education or participation in the world outside the home, particularly where they are encouraged to bear children as soon as possible.

Discrimination against females often begins at birth. In many societies, strong son preference results in female infanticide, higher rates of malnutrition among girls, and the birth of a girl, rather than a boy, may have a negative effect on her mother's status. On the other hand, if women are not

educated and do not enjoy equal social and economic participation within society and the family, they may not act to plan their families or their more powerful husbands may effectively thwart their desire to do so. Finally, the effect of present and future population trends may be to disadvantage women further as population growth and rising expectations increase the competition for already scarce resources.

A.I.D. continues to be the world leader in international family planning, supporting the provision of high quality family planning services which are increasingly linked with reproductive health services. Since A.I.D.'s population program began in 1965, contraceptive use has increased from 25 million to 200 million women in developing countries. A.I.D.-provided family planning services make an invaluable contribution to the degree to which women can control their own destinies.

Women's Reproductive Health

Women's reproductive role exposes them to specific health problems which in many places, pose hazards for women and their children. About 500,000 maternal deaths each year are related to pregnancy and childbirth. Various studies demonstrate that children born less than two years after the birth of a sibling are, on average, almost twice as likely to die as those born at intervals of two years or more. Family planning programs are a vital part of improving the health of women and their children. Women also need adequate nutrition and comprehensive reproductive health care that addresses sexually transmitted diseases,

including HIV/AIDS.

The HIV/AIDS pandemic is an important human rights issue for women who will soon constitute one half or more of the HIV affected population. Women's poverty and lack of power are among the factors behind the increasing spread of HIV, particularly in Africa and Asia. Where women are unable to protect themselves because they have no control over their husbands' sexual contacts or the use of condoms inside or outside of marriage, or where poverty leads young women to prostitution as the only means of support, women's risk of HIV infection is directly related to their status. Not only do women suffer in this situation, but the infection is transmitted more rapidly. The growing incidence of HIV/AIDS affects not only women's health, but also the lives of their children. In sub-Saharan Africa it is projected that there will be 10 million children orphaned through AIDS by the end of this decade.

A.I.D.'s activities to prevent and control the spread of HIV now include specific attention to women. The two major AIDS projects will include: intervention strategies for women and education strategies to reach female adolescents; social support systems addressing the specific needs of women and female-headed households affected by AIDS; AIDS messages and counseling through nongovernmental organizations; income-generation, education, counseling and treatment of sexually transmitted diseases for young girls and those forced into prostitution; the efficacy of viricides and barrier methods such as female condoms; and, the

human rights of HIV positive women.

The practice of female genital mutilation which affects an estimated 74 million women today has, in its most serious form, significant health implications. This culturally based practice, to which women themselves are a party, is nevertheless a violation of their personal integrity which can have destructive physical and psychological consequences. The traditional practice of female genital mutilation is ingrained in the cultures of large parts of Africa and it cannot be eliminated through dollars alone. Within the last two years, A.I.D. has supported education efforts to combat the practice of female genital mutilation in Uganda and Benin in collaboration with women's organizations. Activities included education campaigns, research, distribution of printed materials and seminars. A.I.D. also has supported studies of the prevalence and geographic distribution as well as the health impact of female genital mutilation in Africa, Asia and the Middle East. One study in Sudan showed that women themselves supported the practice, although many preferred a less severe form. In the early 1980s, A.I.D. funded publication of a handbook on the health effects of female genital mutilation in Arabic and English as part of an instruction package for health educators.

Environment

The poor, women and children in particular, disproportionately live on the most environmentally fragile lands, and are forced by their poverty to degrade these lands

even further. Women and children have a higher health risk due to pollution and industrial waste than adult males. Women are often the primary managers of the local natural resource base, but as long as their options are circumscribed by social, economic and legal constraints, an essential resource for sustainable development will be missing. A.I.D. is addressing gender issues in all areas of its environment program. For example, A.I.D.'s Women in Development Office has provided training, research and technical assistance on gender issues to the Global Climate Change Program in Brazil, where women are the primary sources of traditional information about the habitat and the main collectors and processors of forest products.

Conclusion

The violation of women's human rights are often brought about by their low social and economic status within their own societies, communities and families. Women are not a vulnerable group per se, but they are rendered so by gender-based stereotypes which reinforce social, economic and political discrimination. Policies and programs that directly address women's inequality and the abuse of their human rights are critical. Also important are efforts to remove the underlying conditions that often contribute to violations of the human rights of women. For example, when women in refugee situations are forced by poverty, low status and the indifferent policies of the relief programs, to trade sexual favors to obtain their rightful relief supplies or to secure the protection of a male

against other males, we must look not only at the law, but also at the underlying conditions.

Education and training are among the keys to overcoming the disadvantages and discrimination to which women have been subjected for centuries. When women are educated there is a good chance of breaking the vicious cycle of high fertility and low status, an all too frequent legacy from one generation of women to the next. In addition, it has been estimated that female education is the single best investment in development through its effect on: fertility, nutrition, child survival, community participation and income generation. However, education alone is not sufficient to ensure equality. We must work to create economic opportunities for women to use their education and we must promote their equal legal rights.

We cannot improve the status of women, nor guarantee their rights in isolation of our larger development program. Under Brian Atwood's leadership, A.I.D.'s approach to expanding women's opportunities will be an integrated one, in which the various components of our development program will be coordinated and integrated to reflect the complexity of women's lives and indeed of social and economic development itself. For example, education for girls and women must be complemented by income generating opportunities and the right to land, capital, information and technology. We must provide family planning in combination with reproductive health services that meet the needs of women throughout their life cycles, and AIDS prevention must

recognize and address the gender specific social and economic factors in the transmission of the virus. We will integrate gender considerations into all A.I.D. programs and we will integrate various sectoral approaches in renewed efforts to help women change the conditions that now circumscribe their lives, jeopardize their human rights and impede the process of development.

The strength and activism of women's organizations throughout the world are evidence that women are not merely passive victims, but that they are fighting for change in their lives and their societies. We must support these groups throughout our programs.

National governments must accord women their full human rights and integrate the needs and potential of women fully into their development strategies. The willingness of governments to address women's human rights, particularly in areas involving physical abuse of women, should be part of the policy dialogue between the U.S. government and the host government. However, there are important roles for non-governmental organizations: advocacy; identifying where gender issues are critical and pointing out the specific needs of women; making policy recommendations; providing services; and, reaching women who are outside the formal institutions of society. A.I.D. will continue to work with other governments and non-governmental organizations in both developing and developed countries to fight gender-based human rights violations and their underlying causes.



Richard L. McCall Jr.

Chief of Staff
U.S. Agency for International Development

Richard L. McCall Jr. was appointed chief of staff at the U.S. Agency for International Development (USAID) in May 1993. USAID is the government agency that administers \$7.7 billion in economic and humanitarian assistance worldwide.

As chief of staff, McCall is the USAID administrator's chief political adviser. His responsibilities include acting as liaison with the deputy secretary of state and as an interagency liaison with the departments of State, Treasury and Agriculture and with the National Security Council, the Export-Import Bank and the Overseas Private Investment Corporation. McCall also serves as the congressional liaison for implementing the reorganization of USAID.

Before joining USAID, McCall was a professional staff member from 1991 to 1993 on the Senate Committee on Foreign Relations and the Subcommittee on International Economic Policy, Oceans and the Environment. The subcommittee has a legislative responsibility for bilateral and multilateral foreign assistance programs.

From 1985 to 1991, he served as Sen. John F. Kerry's legislative assistant

for foreign policy. From 1982 to 1985, McCall was deputy staff director for foreign and defense policy for the Senate Democratic Policy Committee. He also worked for the committee as a legislative assistant for foreign policy from 1981 to 1982.

In 1980 during the Carter administration, McCall was assistant secretary of state for international organization affairs.

From 1978 to 1980 McCall worked for the Senate Committee on Foreign Relations as deputy staff director for international economic policy and foreign assistance.

In addition, McCall has been a foreign policy legislative assistant for Sens. Hubert H. Humphrey, Muriel Humphrey and Gale McGee.

McCall was born in Detroit, Mich., on May 6, 1942. Raised in Nebraska and Wyoming, he has a bachelor's degree from Hastings College in Nebraska and completed two years of graduate study at the University of Nebraska.

McCall resides in Falls Church, Va., with his wife, Barbara, and two sons, Joshua and Chris.

TESTIMONY OF REP. LYNN C. WOOLSEY
IN FAVOR OF SENATE RATIFICATION OF CEDAW
SUBCOMMITTEE ON INTERNATIONAL SECURITY, INTERNATIONAL
ORGANIZATIONS, AND HUMAN RIGHTS
OCTOBER 20, 1993

MR. CHAIRMAN, I AM HERE TODAY TO STRESS THE IMPORTANCE OF THE UNITED NATION'S CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN, OR CEDAW, AND TO APPEAL TO MEMBERS OF THIS COMMITTEE AND OTHERS TO URGE THE SENATE TO RATIFY THE TREATY WHEN IT IS SUBMITTED BY THE PRESIDENT.

THE CONVENTION HOLDS GOVERNMENTS RESPONSIBLE FOR CONDEMNING AND WORKING TO ELIMINATE VARIOUS FORMS OF DISCRIMINATION AGAINST WOMEN. COUNTRIES WHO RATIFY THE TREATY MUST: (1) INCLUDE THE PRINCIPLE OF EQUALITY BETWEEN THE SEXES IN THEIR CONSTITUTIONS; (2) ADOPT LAWS AND ORDINANCES PROHIBITING ALL DISCRIMINATION AGAINST WOMEN IF THEY DON'T ALREADY EXIST; (3) WORK TO PROHIBIT DISCRIMINATORY PRACTICES AGAINST WOMEN BY INDIVIDUALS, ORGANIZATIONS, BUSINESSES, AND OTHER GROUPS; AND (4) FINALLY, COUNTRIES MUST TAKE MEASURES TO INCLUDE AND ADVANCE WOMEN IN POLITICAL, ECONOMIC, AND CULTURAL ARENAS.

THE POSITION OF THE UNITED STATES, AS AN INTERNATIONAL CHAMPION OF HUMAN RIGHTS, HAS BEEN JEOPARDIZED BY ITS FAILING, FOR WELL OVER A DECADE, TO CONSIDER AND RATIFY CEDAW. THIS IS DESPITE THE FACT THAT, AS OF TODAY, OVER 120 OTHER COUNTRIES HAVE DONE SO.

THE REFUSAL BY THE U.S. TO LEND ITS NAME TO THE DOCUMENT HAS SENT CUT A MESSAGE TO THE WORLD THAT WE ARE UNWILLING TO HOLD OURSELF PUBLICLY ACCOUNTABLE TO THE SAME BASIC STANDARDS OF WOMEN'S RIGHTS THAT OTHER COUNTRIES APPLY TO THEMSELVES. THIS IS DESPITE THE FACT THAT, SINCE FEDERAL AND STATE LAW ALREADY PROHIBIT MANY FORMS OF DISCRIMINATION AGAINST WOMEN, THE UNITED STATES COULD RATIFY THE CONVENTION WITHOUT CHANGING DOMESTIC LAW.

I INTRODUCED MY BILL, H. RES. 38, URGING THE PRESIDENT TO COMPLETE REVIEW OF THE CONVENTION WHEN I FIRST CAME TO CONGRESS EARLIER THIS YEAR BECAUSE I BELIEVE IT IS VITALLY IMPORTANT FOR THE ADMINISTRATION AND THE SENATE TO DEAL EXPEDITIOUSLY WITH CEDAW AND TO DEMONSTRATE OUR SERIOUS COMMITMENT TO PROTECT THE RIGHTS OF WOMEN, BOTH AT HOME AND ABROAD.

I WAS PLEASED TO LEARN OF SECRETARY CHRISTOPHER'S PROMISE, AT THE JUNE 1993 WORLD CONFERENCE ON HUMAN RIGHTS, TO MOVE ON CEDAW. I

COMMEND THE ADMINISTRATION, AND URGE PROMPT ACTION BECAUSE OF THE TIMELINESS OF THIS MATTER.

ONE OF THE GREATEST BENEFITS OF U.S. RATIFICATION OF CEDAW IS THAT IT WOULD ALLOW THE U.S. TO SEEK A SEAT ON THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, ESTABLISHED UNDER THE CONVENTION, WHICH CONSIDERS INDIVIDUAL COUNTRIES' PROGRESS IN IMPLEMENTING THE TREATY.

I BELIEVE IT IS CRITICAL FOR THE UNITED STATES TO PLAY A ROLE IN CRAFTING IMPLEMENTATION POLICIES UNDER THE CEDAW CONVENTION. I NOTE THIS ESPECIALLY IN LIGHT OF THE FACT THAT BOSNIA IS THE LATEST SIGNATORY OF THE CONVENTION. THE UNITED STATES HAS A VITAL OPPORTUNITY TO HELP SHAPE THE LAWS AND REGULATIONS BEING ESTABLISHED IN SUCH NEWLY-EMERGING COUNTRIES. IT IS IMPERATIVE THAT THE U.S. HAS A VOICE AT THE TABLE AS IT RELATES TO PROTECTING BOTH OUR NATION'S INTERESTS AND THE BROADER INTERESTS OF WOMEN WORLDWIDE.

BEFORE I CLOSE, MR. CHAIRMAN, I WOULD LIKE TO STATE MY SUPPORT FOR REP. SNOWE'S AND REP. BERMAN'S EFFORTS TO REQUIRE THE STATE DEPARTMENT TO APPOINT A SENIOR ADVISOR ON WOMEN'S HUMAN RIGHTS TO THE HUMAN RIGHTS BUREAU. ALTHOUGH SEXUAL VIOLENCE COMMITTED IN THE COURSE OF THE ON-GOING CONFLICT IN THE FORMER YUGOSLAVIA HAS RECEIVED A GREAT DEAL OF ATTENTION, RAPE AS A TACTIC OF WAR IN CONFLICT ZONES CONTINUES TO ESCAPE INTERNATIONAL CENSURE. CLEARLY, IF THE UNITED STATES IS TO HAVE A REAL AND LASTING IMPACT ON REDUCING HUMAN RIGHTS ABUSES AGAINST WOMEN, IT NEEDS A SENIOR OFFICIAL WHO WOULD WORK FULL-TIME TO ADVOCATE THE SYSTEMATIC AND THOROUGH INTEGRATION OF WOMEN'S HUMAN RIGHTS INTO ALL ASPECTS OF U.S. FOREIGN POLICY.

I LOOK FORWARD TO WORKING WITH YOU, MR. CHAIRMAN, TO ADVANCE THE CAUSE OF WOMEN'S EQUALITY, AND TO END THE ABUSES AIMED AT WOMEN WORLDWIDE.

I THANK YOU FOR THE OPPORTUNITY TO TESTIFY IN SUPPORT OF IMMEDIATE RATIFICATION OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN, AND COMMEND YOU ON YOUR COMMITMENT TO ELIMINATE HUMAN RIGHTS ABUSES AGAINST WOMEN.

STATEMENT BY
THE HONORABLE GERALDINE FERRARO

BEFORE THE HOUSE SUBCOMMITTEE ON INTERNATIONAL SECURITY
INTERNATIONAL ORGANIZATIONS AND HUMAN RIGHTS
WEDNESDAY, OCTOBER 20, 1993

I AM HONORED TO RETURN TO CONGRESS TO TESTIFY HERE TODAY ON AN ISSUE THAT HAS BEEN TOO LONG NEGLECTED IN WASHINGTON, IN THE MEDIA AND BY INTERNATIONAL HUMAN RIGHTS ORGANIZATIONS.

MR. CHAIRMAN, I HAVE HAD AN OPPORTUNITY TO READ THE TESTIMONY OF YOUR PREVIOUS WITNESSES AND I AM DELIGHTED TO SEE THAT A GREAT MANY OF MY CONCERNS HAVE ALREADY BEEN ADDRESSED. I JOIN MY FRIENDS AT HUMAN RIGHTS WATCH, THE INTERNATIONAL HUMAN RIGHTS AND GROUP AND THE POPULATION COUNCIL IN THEIR ELOQUENT STATEMENT OF THE AGONIZING PROBLEMS CONFRONTING WOMEN AROUND THE WORLD. I ALSO JOIN THEM IN CALLING UPON CONGRESS AND THE CLINTON ADMINISTRATION TO MAKE WOMEN'S RIGHTS AND ISSUES A HIGH PRIORITY IN EVERY AREA OF THE FORMULATION OF FOREIGN POLICY.

I WOULD LIKE IN MY OWN FEW MINUTES HERE TO TAKE A SLIGHTLY DIFFERENT TACK AND EMPHASIZE ONE AREA WHERE NEW AND ENERGETIC ENFORCEMENT OF WOMEN'S HUMAN RIGHTS CAN AND MUST PLAY A MAJOR

ROLE. THAT AREA IS IN U.S. EFFORTS TO PROMOTE WORLD DEVELOPMENT.

THE CONDITION OF WOMEN IN ANY COUNTRY IS CRITICAL TO THAT NATION'S ECONOMIC STATUS. WOMEN IN DEVELOPING COUNTRIES GROW ABOUT 80 PERCENT OF THE FOOD AND RAISE HALF OF ALL LIVESTOCK; WOMEN HANDLE THE MARKETING OF MOST FOOD AND THE PREPARATION OF NEARLY ALL OF IT.

WOMEN ARE THE ONES WHO FIND MEDICAL CARE FOR THE CHILDREN, OR WHO DO NOT; IT IS WOMEN WHO PUT THEIR CHILDREN IN SCHOOL, OR KEEP THEM AT HOME; AND IT IS WOMEN, OVERWHELMINGLY, WHO LOOK FOR WAYS TO LIMIT THE NUMBER OF BABIES THEY BEAR, OR WHO DO NOT KNOW THAT SUCH WAYS EXIST.

MR. CHAIRMAN, IN U.S. EFFORTS TO PROMOTE AGRICULTURAL GROWTH, EFFICIENT MARKETING, NUTRITIONAL ADVANCES AND BETTER MEDICAL CARE, WOMEN CANNOT BE IGNORED. IN U.S. EFFORTS TO PROMOTE FAMILY PLANNING AND TO SLOW POPULATION GROWTH, WOMEN MUST BE BROUGHT FULLY INTO THE PROCESS.

STUDY AFTER STUDY HAS FOUND THAT THE EDUCATION OF WOMEN IS THE SINGLE MOST EFFECTIVE WAY TO HELP A COMMUNITY GROW AND PROSPER. THE WORLD BANK IS ONLY THE LATEST ORGANIZATION TO DOCUMENT THE FACT THAT EDUCATING WOMEN EVEN A LITTLE RESULTS IN A LOWER INFANT MORTALITY RATE, BETTER FAMILY NUTRITION AND BETTER OVERALL FAMILY HEALTH. FEWER PEOPLE BECOME SICK. MORE CHILDREN GO TO SCHOOL. AS MORE CHILDREN SURVIVE, FEWER NEED TO BE PRODUCED TO GUARANTEE THE

FUTURE, AND WHERE FAMILY PLANNING INFORMATION AND TECHNOLOGY ARE AVAILABLE, THE BIRTH RATE DECLINES.

LOANS TO WOMEN'S GROUPS BRING THE HIGHEST RATE OF SUCCESS, HAVE THE HIGHEST RATE OF REPAYMENT AND THE LOWEST RATE OF DEFAULT. OVER AND OVER, WOMEN TAKE A LOAN OF LESS THAN A THOUSAND DOLLARS AND TURN IT INTO A THRIVING SMALL BUSINESS.

WHERE WOMEN HAVE SOME UNDERSTANDING OF THEIR ENVIRONMENT, THEY ARE FIERCE IN ITS DEFENSE. WOMEN DEAL EVERY DAY WITH THE REALITY OF TAINTED WATER, WITH HAVING TO COLLECT ANIMAL DUNG FOR FUEL BECAUSE THE TREES HAVE ALL BEEN BURNED DOWN, AND WITH TENDING CROPS THAT ARE POOR BECAUSE THE DUNG SHOULD HAVE BEEN USED FOR FERTILIZER.

WHERE WOMEN KNOW THAT POLLUTED WATER MAKES THEIR BABIES SICK, THEY PRESSURE LOCAL OFFICIALS TO GET IT CLEANED UP. WHEN THEY ARE GIVEN ALTERNATIVES IN FUELS AND IN FERTILIZING TECHNIQUES , THEY ARE EAGER TO DO WHAT IS BEST FOR THEIR FAMILIES . AGAIN AND AGAIN, WHEN WOMEN HAVE SOME EDUCATION, SOME TECHNICAL SKILLS, SOME SENSE THAT THE FUTURE CAN BE MOLDED, THEY INVEST IN THAT FUTURE. AND IF IT ISN'T ECONOMIC DEVELOPMENT TO HAVE HALF THE WORLD'S POPULATION THINKING IN THIS WAY, I DON'T KNOW WHAT IS .

THIS IS ALL SO OBVIOUS YOU MIGHT ASK WHY IT HAS TAKEN US SO LONG TO NOTICE IT. THE ANSWER IS SIMPLE--WOMEN ARE TOO OFTEN DENIED THE RIGHT TO EDUCATION. THEY ARE NOT PERMITTED TO LEARN TO MAKE

INFORMED CHOICES ABOUT REPRODUCTION. THEY ARE DENIED THE RIGHT TO VOTE, TO WORK, TO HOLD PUBLIC OFFICE.

IN SOME CASES THEY ARE EVEN DENIED THE RIGHT TO MEET IN GROUPS TO DISCUSS THEIR PROBLEMS, TO APPEAR IN PUBLIC, TO INHERIT OR HOLD PROPERTY, TO OBTAIN LOANS OR TO START THEIR OWN BUSINESSES. AND THEY ARE ROUTINELY BEATEN, RAPED AND MURDERED, AND THE CRIMES GO UNPUNISHED, SIMPLY BECAUSE THEY ARE "ONLY" WOMEN.

WHERE WOMEN ARE CHATTELS OF MEN, WHERE THEY ARE FORCED INTO EARLY MARRIAGES AND TREATED AS BREEDING MACHINES, WHERE THEY ARE ROUTINELY ABUSED PHYSICALLY IN SOCIETIES THAT TOLERATE THAT ABUSE-- THEN THEY ARE AGENTS OF ENVIRONMENTAL DAMAGE AND SOCIAL BACKWARDNESS. BUT TO LIBERATE THE TALENTS OF THE WORLD'S WOMEN, TO UNLEASH ALL THAT ENERGY -- HOW CAN IT HELP BUT LEAN TO ECONOMIC GROWTH?

THEREFORE, I CALL UPON CONGRESS AND THE CLINTON ADMINISTRATION TO PUT THE PROMOTION OF WOMEN'S HUMAN RIGHTS AT THE CENTER OF U.S. AID PROGRAMS, AS THE SINGLE MOST EFFECTIVE WAY TO PROMOTE LONG-STANDING U.S. GOALS IN THE DEVELOPING WORLD.

SPECIFICALLY, I SUPPORT THE PROVISION IN THE PENDING STATE DEPARTMENT AUTHORIZATION BILL THAT WOULD INSTALL A PERMANENT ADVISORY POSITION ON WOMEN'S HUMAN RIGHTS WITHIN THE OFFICE OF THE ASSISTANT SECRETARY FOR HUMAN RIGHTS AND HUMANITARIAN AFFAIRS.

IN THE HOUSE-SENATE CONFERENCE, THE HOUSE SHOULD INSIST ON

RESTORING LANGUAGE DELETED BY THE SENATE THAT WOULD REQUIRE CONGRESS TO BE KEPT INFORMED ON PROGRESS TOWARD APPOINTING SUCH A PERSON, AS WELL AS LANGUAGE DESCRIBING THE DUTIES OF THE OFFICE. THIS OFFICE SHOULD BE HIGHLY VISIBLE AND HIGHLY ARTICULATE IN MAKING SURE THE NEEDS OF WOMEN ARE CONSIDERED IN EVERYTHING THE STATE DEPARTMENT DOES.

FOR EXAMPLE, THE EFFECTS ON A NATION'S WOMEN SHOULD BE CONSIDERED WHENEVER CONGRESS AND THE ADMINISTRATION MAKE DECISIONS ON BILATERAL SECURITY ASSISTANCE, ON PROGRAMS TO IMPROVE THE ADMINISTRATION OF JUSTICE IN OTHER NATIONS, ON TRADE BENEFITS AND ON INITIATIVES TO PROMOTE DEMOCRACY ABROAD.

WHEN THE U.S. POSITION IS DECIDING ON LOANS AND PROJECTS PLANNED BY MULTILATERAL FINANCIAL INSTITUTIONS AND IN THE UNITED NATIONS, PROVISIONS AIMED SPECIFICALLY AT HELPING WOMEN MUST BE REQUIRED BEFORE THOSE LOANS AND PROJECTS ARE APPROVED.

IT GOES WITHOUT SAYING THAT THE UNITED STATES SHOULD ENSURE THAT WHEN ANY GOVERNMENT'S HUMAN RIGHTS RECORD IS ASSESSED, IT'S TREATMENT OF WOMEN MUST BE EVALUATED--IN ALL FIELDS: CIVIL RIGHTS, POLITICAL LIFE, ECONOMIC AFFAIRS, SOCIAL CUSTOMS AND CULTURAL NORMS. NO COUNTRY SHOULD BE ALLOWED TO JUSTIFY DISCRIMINATING AGAINST WOMEN BY CLAIMING CULTURAL DIFFERENCES. FOR THIS IS THE SAME ARGUMENT THAT SOUTH AFRICA ONCE USED TO JUSTIFY ITS TREATMENT OF BLACK.

I WAS HONORED TO BE A DELEGATE TO THE UNITED NATIONS WORLD CONFERENCE ON HUMAN RIGHTS IN VIENNA LAST JUNE. THERE, THE U.S. DELEGATION UPHELD THE PRINCIPLE THAT HUMAN RIGHTS ARE UNIVERSAL AND INDIVISIBLE. AND THEREFORE THEY APPLY EQUALLY TO WOMEN AND MEN. THE CONFERENCE DECLARED THAT ABUSES OF WOMEN ARE VIOLATIONS OF WOMEN'S HUMAN RIGHTS.

THEREFORE LET ME ASK A COMMITMENT THAT NEVER AGAIN WILL ANY U.S. OFFICIAL ECHO FORMER SECRETARY OF STATE LAWRENCE EAGLEBURGER, WHO JUST ONE YEAR AGO THIS MONTH EXCUSED KUWAIT'S DECISION TO DENY WOMEN THE RIGHT TO VOTE BY SAYING THAT THE KUWAIT'S "DO COME FROM A DIFFERENT CULTURE AND THEIR VIEWS ARE SUBSTANTIALLY DIFFERENT FROM OURS."

WHEN THE UNITED STATES WORKS THROUGH AID AND THE NATIONAL ENDOWMENTS FOR DEMOCRACY TO BUILD DEMOCRATIC SYSTEMS IN THE FORMER SOVIET UNION AND ELSEWHERE OVERSEAS, IT MUST MAKE SURE WOMEN ARE EMPOWERED IN PARTICULAR--TO VOTE, TO SPEAK OUT IN PUBLIC. TO WORK FOR THE CANDIDATES OF THEIR CHOICE, TO BECOME CANDIDATES THEMSELVES AND TO HOLD POLITICAL OFFICE. A COUNT OF WOMEN HOLDING OFFICE IS NOT ENOUGH. THE OFFICE OF WOMEN IN DEVELOPMENT (WID) WITHIN AID SHOULD BE STRENGTHENED IN ORDER TO BECOME CENTRAL TO THESE EFFORTS AND TO EVERYTHING AID DOES.

THE UNITED STATES SHOULD PROMOTE ECONOMIC AND LEGAL POLICIES THAT GIVE WOMEN EQUAL ACCESS TO LAND AND TO CREDIT, AND TO THE

RIGHT TO INHERIT AND MANAGE PROPERTY. WOMEN'S GROUPS IN THE U.S. AND IN THESE TARGET COUNTRIES SHOULD BE CONSULTED ON THESE EFFORTS, NOT JUST MADE THE OBJECTS OF THEM, IT IS CRUCIAL THAT THE UNITED STATES PAYS BACK ITS UNITED NATIONS DUES, AND IN DOING SO IT SHOULD STRESS THE VALUE OF INCREASED FUNDING FOR THE HUMAN RIGHTS CENTER, WHICH COORDINATES AND MONITORS THE U.N.'S HUMAN RIGHTS ENFORCEMENT EFFORTS.

I WOULD LIKE TO APPLAUD THE CLINTON ADMINISTRATION FOR ITS ANNOUNCED INTENTION TO SEEK RATIFICATION VERY SOON OF THE CRUCIAL U.N. CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN. I STRESS THE "VERY SOON." I ALSO ENDORSE RATIFICATION OF THE OTHER PENDING AGREEMENTS. THE CONVENTION AGAINST RACIAL DISCRIMINATION AND THE ECONOMIC COVENANT, BECAUSE GENDER DISCRIMINATION IS LINKED TO RACIAL AND ETHNIC DISCRIMINATION AS WELL AS TO POVERTY. ALL OF THESE STRIP PEOPLE OF THEIR RIGHTS.

I HAVE WRITTEN TO PRESIDENT CLINTON AND TO LEADING SENATORS URGING THE SWIFT RATIFICATION OF THE U.N. CONVENTION ON THE RIGHT OF THE CHILD. THIS PACT WOULD AFFIRM THE RIGHTS OF CHILDREN WORLDWIDE TO A PRIMARY EDUCATION AND TO BASIC HEALTH CARE. IT HAS BEEN RATIFIED BY 146 NATIONS, MAKING IT THE MOST WIDELY RATIFIED OF ALL THE PENDING HUMAN RIGHTS AGREEMENTS. THE UNITED STATES SHOULD JOIN THIS LIST.

FINALLY, I WANT TO COMMEND THE CLINTON ADMINISTRATION'S

LEADERSHIP IN CONVENING A UNITED NATIONS WAR CRIMES TRIBUNAL ON THE TERRORISTIC ACTS THAT HAVE OCCURRED IN THE RUINS OF YUGOSLAVIA. I HOPE THAT MEMBERS OF CONGRESS WILL HELP MAKE SURE THAT WHEN THE TRIBUNAL BEGINS, IT WILL FOCUS HEAVILY ON THE SYSTEMATIC RAPE OF MUSLIM WOMEN BY THE BOSNIAN SERBS.

THE WORLD WAS HORRIFIED TO LEARN OF THE EXISTENCE OF "RAPE CAMPS" IN WHICH MUSLIM WOMEN AND GIRLS WERE RAPED REPEATEDLY UNTIL THEY WERE PREGNANT, AND THEN WERE FORCED TO BEAR THE RESULTING CHILDREN. BUT THE WORLD NEEDS REMINDING THAT THIS SYSTEMATIC USE OF RAPE AS A POLITICAL WEAPON IS ONLY THE LATEST AND MOST EXTREME CASE WHERE RAPE OCCURS IN WAR TIME.

THE PRACTICE IS AS OLD AS WAR ITSELF, BUT ONLY RARELY HAVE GOVERNMENTS DENOUNCED IT AS THE BRUTAL CRIME OF VIOLENCE THAT IT IS. NOW THAT WE HAVE DENOUNCED WARTIME RAPE IN BOSNIA, LET US MAKE SURE WE DO NOT IGNORE THE RAPE OF WOMEN CIVILIANS, SOLDIERS AND REFUGEES IN OTHER CONFLICTS AROUND THE WORLD.

IN FORMULATING NEW POLICIES AND LEGISLATION ON REFUGEES AND THE GRANTING OF ASYLUM, CONGRESS AND THE ADMINISTRATION MUST GIVE SPECIAL ATTENTION TO THE NEEDS OF WOMEN. WOMEN AND CHILDREN MAKE UP 80 PERCENT OF THE REFUGEE POPULATION, SO REFUGEE POLICIES SHOULD TAKE INTO CONSIDERATION THE NEEDS OF WOMEN FROM PROTECTION AGAINST RAPE AND OTHER ABUSE BY GUARDS AND BY OTHER REFUGEES.

SEXUAL ABUSE. THE DENIAL OF CIVIL AND OTHER RIGHTS AND VIOLENCE

AGAINST WOMEN ARE VIOLATIONS OF THEIR HUMAN RIGHTS AND MUST BE CONSIDERED AS SUCH IN MAKING ASYLUM DECISIONS. THOSE WHO QUESTION WOMEN MUST BE TRAINED FOR SENSITIVITY TO THESE ISSUES, AND ANY EFFORT TO EXPEDITE REFUGEE AND ASYLUM PROCESSING SHOULD MAKE HASTE SLOWLY IN JUDGING WOMEN'S CLAIMS.

IN CLOSING, MR. CHAIRMAN, I WANT TO STRESS THE POINT THAT ENFORCING WOMEN'S HUMAN RIGHTS IS A MEANS TO AN END. THE END IS COMPLETE HUMANITY AND PERSONAL DIGNITY FOR HALF THE WORLD'S POPULATION. IF THE STATE DEPARTMENT AND CONGRESS WORK FOR THAT GOAL. THEY WILL INEVITABLY ACHIEVE MANY OTHER GOALS OF DEVELOPMENT AND JUSTICE AND PEACE THAT HAVE ELUDED A FOREIGN POLICY THAT UNTIL THIS TIME HAS NOTICED MAINLY THE OTHER HALF OF THE PLANET'S PEOPLE.

THANK YOU VERY MUCH.

WOMEN, BIODIVERSITY, AND SUSTAINABLE DEVELOPMENT:**CONSERVATION-BASED EMPOWERMENT**

Testimony of Kathryn Cameron Porter
Director, Gender & Social Policy
Conservation International

Before the House Subcommittee on International Security,
International Organizations and Human Rights
The United States Congress

Wednesday, October 20, 1993

Mr. Chairman, Members of the Subcommittee, I am honored to appear before you today. Please allow me to commend you for holding this hearing on the important role of women in human rights, sustainable development, and international security. By holding these hearings, this subcommittee has helped to focus attention on gender perspectives fundamental to the creation of more effective strategies and meaningful change to meet the challenges of the globe's myriad problems.

I will focus my remarks today on three areas: (1) conservation based empowerment, an effective strategy which links conservation, sustainable development, and population; (2) the linkage between international institutions and effective on the ground grassroots efforts; and (3) specific recommendations which address the GAO report on the integration of women's concerns in the Department of State and AID programs.

A Confluence of Crises

The end of the twentieth century seems punctuated by crises in the natural world: a biological diversity crisis in which thousands of plant and animal species face imminent extinction; a debt crisis that erodes confidence in the world economy and propounds the plight of the world's poor; a population crisis as the earth enters uncharted demographic territory; an unparalleled level of consumption and waste, primarily in the North; and the unprecedented challenge of global climate change. These crises which confront us are symptoms of a deeper transformation. Powerful changes in human society and the natural systems of the biosphere are flowing together in a way that is altering both the character of the earth and the palette of human possibilities.

This confluence of crises demands a new agenda and an integrated approach to the challenges of conservation and development. Strategies in this time of confluence must blend economics, ecology, and anthropological understanding and be as dynamic as the social, economic, and cultural settings in which ecosystems are embedded. Women must be key actors in these strategies if long lasting changes are to take place.

Biodiversity has been defined by many as the variety and variability of life. This diversity stems from hundreds of millions of years of biological evolution, over which time-established species have changed or disappeared and new species have emerged. Over the past 200,000 years, human cultures have developed and adapted to the local environment, discovering and managing the biotic resources of local ecosystems to better meet their subsistence needs.

Such human perceptions and actions determine the meaning of biodiversity and the chances for its conservation. In the past, values that maintained biodiversity were often woven into the cultural fabric and inherited traditions of communities. This cultural inheritance has largely been lost in much of the modern world. Economic necessities, greed, and short-sightedness have usurped cultural values and are now endangering the wealth of organisms on this planet.

Today, ecosystems are devastated and species extinguished at an alarming rate as a result of human activities. Much concern focuses on tropical rainforests in Africa, Asia, and Latin America, which contain 50% to 60% of all species on earth. However, the shadow of mass extinction falls across every ecosystem, from the Arctic tundra to the intricate food webs in the Antarctic seas.

Nevertheless, there is hope. In countries as varied as Ecuador, Indonesia, and Madagascar, conservation strategies that strengthen women's status are supplying the long-sought link between improving the economic lives of the world's poor, stabilizing local populations, and conserving threatened ecosystems. "Conservation-based empowerment" is a strategy that aims to empower women through conservation and improve conservation through women's empowerment.

Conservation-based empowerment

Conservation-based empowerment grows out of gender and anthropological perspectives and is based on the understanding of cultural values, roles, and beliefs. The concept of conservation-based empowerment recognizes that women are the key to preserving the earth's biodiversity for a variety of reasons. Women often play important roles in managing their local environments and providing for the basic needs of their families. As mothers, women serve as the transmitters of cultural values, and as potential mothers, they can have a significant impact on population growth.

Women are the primary natural resource managers in much of the developing world. Throughout many rural areas, women's days are filled with physically demanding activities such as collecting firewood, hauling water, providing and preparing food, and caring for the children, the sick, and the elderly. Essential to family welfare, these tasks bring women into direct, daily contact with local forests and biodiversity. Through these activities, women can have a significant impact on the health of these ecosystems, if they employ sustainable methods. Women, indeed, have a great deal at stake in maintaining local ecosystems, for when these resources are degraded, women must travel longer distances and work harder to maintain their families at a comparable level.

Women are also the linchpins to reducing poverty, one of the leading causes of ecosystem destruction. The pressures on families to survive in difficult situations often compel them to employ unsustainable practices for short-term gain. This problem is exacerbated when families do not have title to the lands and resources on which they depend. It is a disastrous cycle that forces rural people to employ environmentally destructive practices in order to survive, only to diminish their chances for survival tomorrow.

Therefore, alleviating extreme poverty must go hand in hand with biodiversity conservation, and women are important participants in this process. Many women, from both rural and urban areas, perform work for wages in addition to their household responsibilities. Much of this labor occurs in the informal sector, which is characterized by meager wages and low productivity. However, even this scanty income has profound effects on the health and well-being of these women and their families. Many studies have documented that when women control an income -- whether it be in cash or in needed goods -- their children have a higher survival rate, better levels of health and nutrition, and more years of education. The reason is simple: women consistently spend more money and invest it more wisely in their children's welfare than do their male counterparts. 2

When families are able to meet their immediate survival needs, the economic pressures on biodiversity are relieved. Women and their families are able to think into the future and set long-term goals, such as education, health care, an improved standard of living, and a healthy and sustainable ecosystem.

In addition, women can have a significant impact on biodiversity indirectly as transmitters of cultural knowledge and values. In many cultures, women are believed to be the source of continuity of life due to their roles as child bearers and child rearers. Through these activities, they are able to instill in future generations a respect for nature and the value of biodiversity.

This type of environmental education is vital to conserving biodiversity and improving the lives of the world's poorest. By expanding people's options and abilities, literacy and basic learning skills promote the conditions in which biodiversity can be conserved. When women obtain such education, the results are overwhelming. Several studies have demonstrated that when women have some formal or informal education, they and their families have better levels of health and nutrition, higher incomes, fewer children, and an enhanced vision of the future. Furthermore, women are likely to pass on environmental lessons and values to their children and, in this way, influence the relationship of future generations to their natural surroundings.

Finally, women are central to reducing and stabilizing population growth. In poverty-stricken regions, women and men depend on their children as sources of labor, income, and security. Therefore, the economic incentive for large families is strong. Due to their special responsibilities and unequal status in most societies, women are particularly dependent on children for economic security. Coupled with such factors as cultural mores and values, the lack of access to appropriate family planning methods, and the low status of women, this search for economic security drives up fertility rates, causing population growth. However, rather than ensure a better quality of life, rapid population growth ultimately exacerbates poverty.

The population link

As poverty and population growth have mutually reinforcing effects, combating poverty is one of the most promising means of achieving a substantial impact on population growth rates. The connection between an improved family economy and reduced fertility rates is especially strong when women have access to cash and non-cash incomes. The UN-sponsored World Fertility Survey, carried out in more than 50 countries, showed conclusively that women who work for wages have smaller families than women whose work is unpaid. This differential occurs because women who are economically viable tend to rely less on their children for economic inputs and security. They are also able to exert greater control over their reproductive lives without influence or pressure from outsiders.

It is clear that women are key players in alleviating poverty, reducing population growth, and easing the pressures on natural resources. However, too often, their voices and actions have been not been heard or responded to by governments, banking institutions, development agencies, private organizations, and even their own communities and families. Indeed, women frequently undervalue their own contributions to family, local, regional, and global societies and economies. This fundamental bias must change if progress is to be made in stemming the root causes of ecosystem destruction and worldwide poverty.

Integrative strategies that work

Conservation-based empowerment offers an alternative. This strategy concentrates on empowering women through active participation in economic development, conservation, loan, and training programs. Microenterprises -- owned by women and based for example on non-timber forest products, cultural artisanry, ecotourism, and medicinal gardens -- are key to conservation-based empowerment. When women are involved in businesses that blend economic development with sustainable, environmentally sound practices, a series of changes takes place. Women not only learn about their fragile ecosystems and the importance of natural resource conservation, but also gain access to a new set of options. The microenterprises also provide women with a much needed source of income and help improve their status and leverage power within the family and village. Population growth slows, and the standard of living gradually improves.

Conservation-based empowerment focuses on enabling women to see their own power, abilities, and potential. This strategy attempts to increase the scope of women's choices and opportunities, build local capacity in order to set up the conditions under which change can be catalyzed, and assemble people and institutions unaccustomed to cooperating and helping them recognize common goals. It aims to propagate a wave of enthusiasm and ability that spawns new options and new initiatives.

The following examples illustrate conservation-based empowerment projects in action. In Bolivia, around the shores of Lake Titicaca, is an American Egypt, now long dominated by its "discoverers." For thousands of years, an elaborate system of terraces and canals using advanced systems of hydrology and solar energy produced an abundance of agricultural products. After the Spanish conquest, these fields fell into disuse as indigenous peoples and their cultural systems were destroyed.

Ten years ago, Alan Kolata, an applied archaeologist from the University of Chicago, began to excavate not the elaborate temples and pyramids of Tiawanaku but the homes of the common people. Through his research, he determined the crops and methods with which the peasants sustained themselves. Their ancient ways of agricultural production supported one of the most elaborate and still under-appreciated cultures in history. Agricultural terraces are found throughout the world. However, this system, at an altitude of 13,000 feet, was comprised of raised fields approximately 30 feet wide and 100 feet long. In between each field was a 15-foot-wide canal filled with water from the lake. The canal served as a solar collector, preventing the fields from freezing at night in the cold Andean wind. At the end of harvest, the canals were drained and the algae at the bottom used as fertilizer to enrich the soil before the next planting.

Poverty and malnutrition are now a standard part of life in this area. After excavating one of these systems, Kolata asked a group of local men for their help in rebuilding one complete unit of the raised field and canal system. He also tried to persuade them to grow the same crops that the indigenous communities had planted in pre-colonial times. When the men refused, Kolata approached a "Mothers Group." Worried about their children's health and nutrition, the women agreed to work with him. Today, these women are hiring those same men to drive their trucks to market, trucks bought by the women's own hard-earned profit. The fields produce two crops each year, both seven times the yield of a "normal field." Now a U.S. Peace Corps project, this case demonstrates the value of the old ways and highlights the importance of bringing women into the process of developing and implementing alternative strategies.

In the process of learning from past lifeways, women in this area and many others are no longer voiceless. As the number of fields are expanded, more women are learning new skills and exercising options that have been closed to them for centuries. As a result, other small businesses are springing up. The women are anxious to expand educational opportunities for themselves and their families. At the same time, an extraordinary change has taken place -- the birth rate has fallen dramatically.

Taking this experience and many others with similar results, Conservation International (CI) -- a non-profit organization dedicated to the conservation of biodiversity -- has established the Gender and Social Policy Program, of which I am the director, to research these types of projects and initiate comparable efforts throughout CI's program areas. CI views conservation-based empowerment as a pragmatic initiative to achieve our goal of conserving biodiversity in the world's hot spots.

On the ground results

One promising project is located in Minas Gerais, Brazil, in the midst of one of the most biodiverse and most rapidly disappearing tracts of Atlantic Forest. In the town of Caparaó, two women's cooperatives are developing local and regional markets to increase their income and address their health care needs through education and the creation of ethnobotanical and medicinal gardens. One marketable product is a salve made from the grated rind of manioc and other local ingredients. This salve is used to alleviate a wide-spread skin rash caused by a water-borne parasite and introduced by pollution into the local river. Working with the women, CI has helped them make the connection between the rash, the pollution in the river, and overpopulation. Two local cooperatives are now working to educate their members and their children through special programs in the school.

Ethnobotanical gardens are of primary interest to CI and the women's cooperatives. These gardens will help the community rescue and document local species and their traditional uses and will serve as models to be replicated elsewhere. By working together, women will learn first-hand the importance of protecting biodiversity and teach this knowledge to their families and communities. The gardens will also serve as micro-businesses, providing products to sell in local, regional, national, and international markets. In addition, CI is developing micro-lending and training programs to help local women meet their needs. CI's strategy is to listen to the voices of local women and their hopes for the future and to help them realize these dreams.

Another project is based in the Guatemalan Petén, one of the largest tropical rainforests remaining in Central America. In this region, CI is working with women to protect the rain forests that are home to one of the largest concentrations of Mayan Indians. In Uaxactún, CI is training local embroiderers and stone carvers, most of whom are women, to help them increase the profitability and marketability of their products. These businesses provide women with a much needed source of income that is both environmentally sustainable and native to the region. CI is also promoting the development of ethnobotanical gardens, similar to those in Caparaó. In addition, CI is involved in the establishment of the Eco-Escuela de Español in San Andrés. Women are central components to the establishment and management of the school and serve as language teachers, guides, administrators, and hosts. Largely "stealth" gender projects because of cultural constraints, these efforts provide a vital source of income and alternatives to environmentally destructive practices for local women.

These are just a few of examples of conservation-based empowerment on the ground. In order to achieve real progress in conserving biodiversity and improving the quality of life of all people, more projects using the conservation-based empowerment approach must be developed and implemented. This effective strategy should be implemented by international institutions and the USAID.

As is evidenced by conservation-based empowerment, anthropological perspectives and methodologies that incorporate the voices of women are crucial elements to international conservation and development strategies. Involving entire communities in development and environmental projects depends on the ability of the project planners to understand cultural roles, practices, and values.

Feet in the Mud - Head in the Sky

As we have seen, women are the guardians of biodiversity and the nurturers of the future. This dynamic has been largely ignored by international institutions and US foreign assistance programs which have been ineffective in understanding and designing programs that include the special needs of women. If true progress is to be made in terms of our foreign assistance programs, women's voices must be listened to and incorporated. Reams of rhetoric aside, it is only recently that the special concerns of women have truly been considered in even such basic areas as human rights. It is important to put the role of women in context.

The home is a woman's ecosystem. Since a woman's body is a child's first habitat, children have been and will continue to be a catalyst for action. Indeed, an analysis of the global grassroots environmental movement can be traced to the activism of women out of concern for the future of their children. This concern by women for health, education, and sustainable development will continue to grow as the linkages between environment and health are increasingly recognized.

In the lesser developed world, women have different methods of organizing. They, for the most part, operate in different economies and are motivated by a different set of priorities. Generally, women practice a participatory rather than a representational activism, exemplified by most governmental and lending institutions. To women, process is as important as the product. Women work together in a "centocracy" as opposed to the hierarchy of international institutions. There is a huge gap between these two ways of understanding the world that frequently results in women's voices being overlooked and undervalued.

There is a widely recognized link between international debt and environmental degradation as the need for hard currency drives the overexploitation of primary natural resources. There is, however, little recognition that the debt crisis inflicts the greatest detriment on local women and their children. Women and children in poverty are among those most unable to cope with the resultant increase in environmental degradation, high rates of population growth, and misuse of natural resources. This linkage between micro and macro issues is seldom discussed or recognized.

Women comprise approximately 70% of the world's informal economies. These informal sectors are often misunderstood and unrepresented by economists and international development specialists. As the economic situation worsens, women find themselves in an increasing spiral of lower paying jobs and diminishing means of subsistence. Their health is increasingly affected as the environment deteriorates and environmental toxins grow due to development schemes gone awry.

Credit is one of the keys to an improved quality of life for the large proportion of women involved in small-scale enterprises in the informal sector. However, women are severely limited in the extent to which financial institutions and programs service their credit needs. Due to stringent eligibility and collateral requirements, complicated application forms and procedures, and outright discrimination, women are often unable to obtain even small loans in the formal sector. As a result, many women are unable to launch or expand income-generating enterprises and therefore limited in their options.

Coupled with efforts at microenterprise development, micro-lending has the potential to positively impact the lives of women, their children, and their communities significantly and to further local conservation projects. Through the women's banking project, Conservation International aims to promote community participation in microenterprise development, encourage these businesses to be environmentally sound, promote women's empowerment, support women's initiatives and entrepreneurship, and improve communities' quality of life. This type of initiative should be part of all international institutions' goals with respect to sustainable development.

The recent GAO report on the integration of women's concerns in the Department of State and USAID programs confirms these facts. The report concedes that conditions for women have deteriorated, not improved, since the enactment of legislation 20 years ago to facilitate their economic, political, and social integration. I can confirm this deterioration by my own experiences in the field.

When we talk about women, we must talk about more than human rights. We must talk about human responsibilities. And we must do more than talk - we must act - now. The time for words is past. It is time for an integrated approach - a unified global principle of human rights and responsibilities that includes those women who hold up their half of the sky. This committee can help set a standard of action and conduct with which activities can be morally measured. You can set the framework of hope and possibility to guide the interactions between developed and lesser developed countries - between indigenous people and the so-called civilized world - between men and women - that balances economic growth with concern for the environment and the fundamental rights of freedom for all of humankind.

Since Congress legislates policy guidelines and exercises oversight over the implementation by U.S. agencies and programs, this committee can play a major role in determining both policy direction and in monitoring policy implementation by executive agencies. Please consider the following specific actions:

Specific Recommendations

1. Incorporate conservation-based empowerment strategies into all foreign assistance programs and monitor programs for increased participation of women.
2. Adopt policy recommendations to Biodiversity Convention. (Specific recommendations attached.)
3. Ensure that women and gender perspectives are embedded into, rather than separated from, all parts of U.S. policies including human rights, health, education, and sustainable development.
4. Ensure that heads of offices responsible for specific gender concerns (such as the WID office of AID and the Peace Corps) are fully able to implement their mandate and programs by having direct access to and strong commitment from their top policymakers and having adequate funds and staff.
5. Recognize that gender bias is the single greatest obstacle to the progress of human potential and consciousness.

Thank you for the opportunity to be here today. Your open-mindedness is appreciated. Thank you for listening to me.

POLICY RECOMMENDATIONS FOR BIODIVERSITY CONVENTION FOLLOW-UP

The Convention on Biological Diversity identifies as a priority "recognizing .. the vital role that women play in the conservation and sustainable use of biological diversity and affirming the need for the full participation of women at all levels of policy-making and implementation for biological diversity conservation."

The following recommendations are intended to translate this commitment into concrete actions that signatory nations can initiate. We urge these nations to adopt these policies and actions in order to protect and preserve the world's biodiversity and to fortify women's roles in its use and management.

I. INTERNATIONAL LEVEL

A. A Women and Biodiversity Division in the convention secretariat should be established to take responsibility for collecting, comparing, and disseminating information collected from contracting parties on women's knowledge of biodiversity conservation and uses as well as successful and unsuccessful strategies employed to support women in their sustainable management efforts. This is especially relevant to Article 5, Cooperation, and Article 17, Exchange of Information.

This division of the secretariat would act as a clearinghouse for information on conservation and development projects, carried out by national, bilateral, and multilateral agencies, that affect women and biodiversity. It would gather this information not only from national reports, but also from relevant international institutions, such as UNDP, UNEP, UNIFEM, INSTRAW, the World Bank, and the GEF, as well as from national and international NGOs. In line with the provisions of Article 13, this division could assist in the design and implementation of international education and awareness campaigns on the importance of women in biodiversity conservation.

B. In accordance with the Preamble itself, nations should ensure that all administrative and technical bodies connected with the convention, such as those established in Articles 24 and 25, as well as all national delegations have a mandate to take women's concerns as managers and users of biodiversity into consideration in all research and recommendations produced. This focus should be particularly emphasized in the "Global Biodiversity Assessment" that commenced on 1 May 1993 as a GEF project.

C. Again in relation to the Preamble, nations should ensure that these administrative and technical bodies and national delegations take gender balance into consideration in the assignment of all staff.

D. In accordance with Article 14, nations should evaluate and reform its official development assistance policies to ensure that all ODA projects are subject to comprehensive environmental and social impact assessment procedures, especially with regard to women and biodiversity. Nations should allocate greater resources to integrated projects that improve women's lives and promote the conservation and sustainable management of biodiversity resources.

E. Nations should examine with particular care the impacts of multilateral development projects on biodiversity and women, in line with recommendation D and Article 14, and should ensure that social and environmental concerns are given top priority in multilateral development assistance.

F. Nations should examine the biodiversity conservation projects of the financial mechanism of the convention, the Global Environment Facility, to ensure that women's concerns and expertise are fully taken into account in every project. Environmental projects must be subjected to an analysis of their differential effects on men and women and must take into consideration the varying needs and resource use patterns of men and women in project areas.

G. Nations should adopt economic incentive measures to promote the sustainable use of biodiversity resources by women throughout the world, in accordance with Article 11.

H. Nations should support the full participation of women in all international scientific and technical research and development and should ensure that women benefit equitably and share in the results of biodiversity and biotechnology research.

II. NATIONAL LEVEL

A. Each nation should ensure that financial and human resources are allocated for a comprehensive survey of national biodiversity, in line with the requirements of Article 7. Annex I states that ecosystems, habitats, species, communities, genomes, and genes of social, economic, cultural, and scientific importance should be identified and monitored. Biodiversity is significant to women on all of these counts, and as such any identification and monitoring should investigate specifically the roles and relationships of women and biodiversity. This data should be included in the national reports to the convention secretariat, called for in Article 26. These surveys should take into special consideration the relationships between indigenous women and biodiversity conservation and use.

B. The data collected in these surveys should be fully incorporated into the planning and implementation of national biodiversity conservation strategies, called for in Article 6.

National strategies should be designed to ensure that women fully participate in and benefit from biodiversity conservation measures.

C. In accordance with the Preamble, each nation should work to guarantee that women are fully and equitably included in decision-making at all levels. Every effort should be made to ensure that the women who are the actual experts on biodiversity conservation and management are included in all decision-making processes that affect them or the biodiversity on which they and their communities depend.

D. In terms of Article 11, each nation should develop economic incentives at the national level to promote the sustainable use of biodiversity resources, especially as will benefit women.

E. The participation of women should be fully promoted and supported in all national research undertaken on the conservation and sustainable use of biodiversity. Women should also participate fully in any scientific and technical training related to biodiversity use and conservation.

F. In terms of Articles 14 and 19, each nation should promote the concept that all projects, public or private, that affect women and their environment must be subject to stringent environmental and social impact assessment. This requirement is especially important with respect to biotechnology, which may have deleterious effects not only on the environment itself, but particularly on women as a result of their reproductive and productive roles.

G. In accordance with Article 13, each nation should undertake public education and awareness programs to increase the understanding of the meaning of biodiversity, the ways in which humans depend on and interact with it, and the relationships between women and the sustainable use and conservation of biodiversity.

FEMALE GENITAL MUTILATION

AND

HUMAN RIGHTS

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THE RIGHT TO THE HIGHEST ATTAINABLE STANDARD OF PHYSICAL AND MENTAL HEALTH

Health rights are guaranteed by the Universal Declaration (Art. 25), the International Covenant on Economic, Social and Cultural Rights (ICESCR) (Art. 12.1), and the African Charter (Art. 16). Further, the equal right to health care is guaranteed by the Women's Convention (Art. 12). The documented complications and functional loss as well as the psychological effects that FGM can have on women and on their sexual and reproductive health directly violate this right. Even if the operation was done under hygienic condition the loss of sexual function constitutes a violation of the highest standard of health. In addition, the practice creates a life long need for special reproductive health services that are capable with handling women with FGM in a caring and professionally competent manner. These services must be provided by governments as an aspect of their affirmative duty to make the right to health a reality for women.

THE WOMEN'S CONVENTION AND THE PROHIBITION OF GENDER DISCRIMINATION

The principal of nondiscrimination on the basis of gender is set forth in the Universal Declaration, the ICCPR, the ICESCR, the African Charter, and a wide range of other international and regional human rights instruments. FGM is linked to systemic gender inequalities that are entrenched in the political, social, cultural and economic structures of societies in which it is practiced. It thus reflects discrimination against women in public and private life -- particularly their economic subordination. Eradication of the practice will be promoted by steps taken by governments and community leaders to end all forms of gender discrimination.

The guarantee of gender equality is enshrined in the UN Charter itself and elaborated in the Convention on the Elimination of All Forms of Discrimination Against Women. The Convention is an "International Bill of Rights" for women and has over 118 parties. Several provisions of the Convention can be interpreted to require States parties to take action against FGM:

-- the duty to "take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women" [Art. 2.f];

-- the duty to take all appropriate measures to "modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women" [Art. 5.a];

-- the duty to take all appropriate measures to ensure equal access to health care [Art. 12].

Many of the states where FGM is practiced have ratified the Convention including: Burkina Faso, Egypt, Ethiopia, Ghana, Kenya, Nigeria, Senegal and Yemen.

THE RIGHT TO PHYSICAL AND MENTAL INTEGRITY

FGM violates the core right to physical and mental integrity established in international and African regional human rights instruments. This right is fundamental to human dignity. The Universal Declaration of Human Rights recognizes the right to

"life, liberty and security of the person." (Art. 3).

The Universal Declaration (Art. 5), the International Covenant on Civil and Political Rights (ICCPR) (Art. 7) and the African Charter on Human and People's Rights (Art. 5) all guarantee the right not to be subjected to torture and cruel, inhuman or degrading treatment.

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment prohibits

"any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person . . . for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. . . ." (Art. 1).

Torture and cruel, inhuman or degrading treatment includes not only the infliction of physical pain, but also acts that cause psychological suffering. Although the prohibition of torture and inhuman treatment has been interpreted most frequently to apply to acts committed directly by government officials, it can be applied to acts by "private" persons if the government fails to take steps to prevent the abuse or stop it.

The UN Special Rapporteur on Torture has stated that genital mutilation might constitute

"'severe pain or suffering' according to international law. States shall provide appropriate protection under law against such treatments, even when the perpetrators are 'private' persons rather than 'public officials.'" (1986 Report of the UN Special Rapporteur on Torture).

The Special Rapporteur also stated that under Article 1 of the Convention against Torture

"the authorities' passive attitude regarding customs broadly accepted in a number of countries (i.e., sexual mutilations and other tribal traditional practices) might be considered as 'consent or acquiescence' . . . , particularly when these practices are not prosecuted as criminal offences under domestic law, probably because the State itself is abandoning its function of protecting its citizens from any kind of torture." (*Id.*)

FEMALE GENITAL MUTILATION AND HUMAN RIGHTS

The characterization of the practice of female circumcision (FC) as genital mutilation and a form of violence against women raises two central issues:

- Is it appropriate to include cultural practices under human rights abuses? Would not such inclusion, in itself, constitute a violation of the rights of cultural and religious freedoms?
- Why should there be public concern with a private decision to practice FC, given that the decision to circumcise a girl is taken within the family? Would not a decision by the state to interfere in such matters violate the right to privacy?

In order to answer these questions, several basic facts should be considered:

A) Female circumcision in all its forms entails the irreversible removal of a healthy part of the body - the clitoris - and the destruction of its function. It is not equivalent to male circumcision, which does not involve the removal of a functional organ or part of an organ. Female circumcision therefore has been labelled Female Genital Mutilation (FGM) by the World Health Organization.

B) Female circumcision is not a religious practice. It is not required by Islam, Christianity or Judaism, although followers of all three religions practice it.

C) In most cases, FC is inflicted on children under the age of consent. Typically, girls undergo the practice between the ages of 4 and 12, when they have little ability to exercise true freedom of choice.

These facts make clear that FGM is a form of cultural violence against the girl child, with a destruction of a bodily function that affect her life as an adult woman. FGM thus impacts both the rights of the child and women's human rights. Those rights are protected by international and regional instruments, including general human rights standards, standards specifically applicable to women, and standards applicable to the child.

THE RIGHTS OF THE CHILD

When performed on infants and children, FGM violates the rights of the child guaranteed in treaties adopted by the United Nations and the Organization of African Unity (OAU). The Convention protects the rights to gender equality (Art. 2.1), to be free from violence and maltreatment (Art. 19.1), to the highest attainable standard of health (Art. 24.1) and to be free from torture or cruel inhuman and degrading treatment (Art. 37.a).

Article 23.4 of the Convention explicitly obligates states to take effective and appropriate measures to abolish traditional practices prejudicial to the health of children, as an aspect of the duty to ensure that children enjoy the highest attainable standard of health.

The UN Convention on the Rights of the Child has been ratified by many of the states where FGM is practiced including: Benin, Burkina Faso, Gambia, Kenya, Mali, Niger, Nigeria, Senegal, Sierra Leone, Sudan, and Togo.

The African Charter on the Rights and Welfare of the Child, which was adopted by the OAU in July 1990, protects many of these same rights, including the rights to gender equality (Art.III), to the

"best attainable state of physical, mental and spiritual health" (Art. XIV.1),

"to be free from torture and inhuman treatment or child abuse (Art. XVI.1).

Article XXI of this Charter is directly applicable to FGM. It requires governments to:

"take all appropriate measures to eliminate harmful social and cultural practices affecting the welfare, dignity, normal growth and development of the child and in particular:

a) those customs and practices prejudicial to the health or life of the child; and

b) those customs and practices discriminatory to the child on the grounds of sex or other status.

The provisions of the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child that call for measures to eliminate harmful traditional practices clearly apply to FGM and must be implemented by States parties.

THE APPLICATION OF HUMAN RIGHTS STANDARDS TO FGM

The human rights bodies of the United Nations have generally emphasized the health implications of FGM and called for its eradication on humanitarian -- rather than human rights -- grounds. The African Commission on Human and Peoples's Rights created to ensure the promotion and protection of the rights set forth in the African Charter, has not yet addressed FGM or other harmful traditional practices.

The UN Committee on the Elimination of Discrimination Against Women (CEDAW), the group of independent experts that monitors implementation of the Women's Convention, has called on governments to eradicate FGM as a threat to women's health and well-being. In reviewing government reports on national implementation of the Convention, the Committee typically raises questions about the practice under the heading of equal rights to health care (Art. 12). In its general recommendation no. 14, the Committee urged states to:

- collect and distribute information on FGM through universities, medical associations and women's groups;
- support national and local women's organizations working to eradicate the practice;
- encourage politicians, professionals, and religious leaders, community leaders, the media and artists to cooperate in influencing attitudes supporting eradication of the practice;
- and introduce educational and training programs about the problems arising from FGM.

The Committee also recommended that strategies for eradicating the practice be included in national health policies.

FGM AS AN ACT OF VIOLENCE

In 1992, however, the CEDAW Committee adopted general recommendation no. 19, which interprets the Convention to prohibit violence against women. This general recommendation cites female circumcision as a practice "involving violence or coercion" that is perpetuated by "traditional attitudes by which women are regarded as subordinate to men or as having stereotyped roles".

As other examples of violence linked to traditional attitudes, the Committee mentioned family violence, forced marriage, dowry deaths and acid attacks. According to the Committee, such

"prejudices and practices may justify gender-based violence as a form of protection or control of women. The effect of such violence on the physical and mental integrity of women is to deprive them of the equal enjoyment, exercise and knowledge of human rights and fundamental freedoms."

General recommendation no. 19 calls on states to take a broad range of measures to combat all forms of violence against women - including legislation, public information campaigns, and

training for public officials -- and to provide support services for women subjected to violence. The UN Human Rights Committee, which monitors compliance with the ICCPR, has stated that the prohibition of torture and inhuman treatment (Art. 7) requires States parties to provide

"everyone protection through legislative and other measures as may be necessary against the acts prohibited by article 7, whether inflicted by people acting in their official capacity, outside their official capacity or in a private capacity." [General comment 20].

The norms protecting the child against violence and maltreatment might be applied to FGM even though it is not performed with intent to inflict harm -- but in the belief that it is in the best interests of the child. Precedent for this approach can be found in the court decisions from several countries that restrict the right of parents to withhold medical treatment from their children for religious reasons.

CONCLUSION

We recommend that FGM be mentioned explicitly as a violation of human rights and not be implied under the vague umbrella of traditional practices. FGM must be considered together with other violations of the rights of the child and women's human rights, in interpreting existing norms or adopting new human rights standards. Explicit condemnation of FGM as a human rights violation would not exceed the existing political consensus among many of the governments concerned, given their public statements and current policies on FGM.

FGM is nonetheless a practice rooted in the conviction among those who practice it that abandoning it would bring about disaster to the individual and society. Thus, persuasive campaigns and counselling programs to discourage the practice must be given priority by governments, intergovernmental organizations, and human rights groups.

Legislation should be adopted in order to deter FGM, and should particularly target those who profit from it. Legislation should be carefully deliberated and based upon appropriate advice from national women's and human rights groups, to avoid ineffective, harmful or potentially abusive laws.

The call for action against FGM is one for more programs, and fewer penalties. Legislation should be implemented which would provide resources for programs such as those described above and to help change the social environment against the practice; only in extreme cases should legislation be aimed at punishing individuals.

Official Anti-FGM Action in Affected Countries

Country	CRC / CEDAW	African Charter	Laws / Regulations	Official Statements and Policy	Professional Regulations or Involvement
Australia	✓✓		+		
Belgium	✓✓		▲		
Benin	✓✓	✓		✓	
Burkina Faso	✓✓	✓	✓ ¹	✓	
Cameroon	✓✓	s		✓	
Canada	✓✓		+		■
Cent African Republic	✓✓	✓		✓	
Chad	✓	✓		✓	
Côte d'Ivoire	✓✓		+		
Djibouti	✓			✓	
Egypt	✓✓	✓	✓	✓	
Ethiopia/Eritrea	✓✓			✓	
France	✓✓		x		
Gambia	✓	✓		✓	
Ghana	✓✓	✓		✓	
Guinea	✓✓	✓	+	✓	
Guinea Bissau	✓✓	✓			
Italy	✓✓		+	✓	+
Kenya	✓✓			✓	
Liberia	s✓	✓		✓	
Mali	✓✓	✓		✓	
Netherlands	s✓		+	✓	●
Niger	✓✓	✓			
Nigeria	✓✓	✓		✓	●
Norway	✓✓			✓	
Senegal	✓✓	✓		✓	
Sierra Leone	✓	✓		✓	
Somalia					
Sudan	✓	✓	✓	✓	●
Sweden	✓✓		✓	✓	
Togo	✓✓	✓		✓	
United Kingdom	✓✓		✓	✓	
United States			▲	✓	
Yemen	✓✓	✓			

CRC = Convention on the Rights of the Child (1990) (ratified March 1993).

CEDAW = Convention to Eliminate All Forms of Discrimination Against Women (1981) (ratified March 1993).

African Charter = African Charter of Human and People's Rights (1981) (ratified January 1990)

It should also be noted that the African Charter on the Rights and Welfare of the Child was adopted by the Organization of African Unity (OAU) in 1990. Individual states should be urged to ratify.

s = Signed but not ratified.

NATIONAL LAWS/REGULATIONS/CASE LAW

✓ = legislation or ministerial regulations against FGM per se

x = FGM falls under existing legislation or application of case law

Φ = government official has stated FGM would fall under existing legislation, application of case law, or regulation

▲ = FGM could be prosecuted under existing legislation concerning child abuse, assault or battery causing bodily harm

Professional Regulations and Involvement

■ = professional regulations against FGM

● = involvement in or movement toward shaping professional standards against performing FGM operations

¹ Definitive information on the referendum (scheduled for June 1991) to ratify the Draft Constitution, which contains an anti-FGM provision, was not available at time of publication. the most severe form of FGM.

OPENING STATEMENT
 THE HONORABLE CHRISTOPHER H. SMITH
 SUBCOMMITTEE ON INTERNATIONAL SECURITY, INTERNATIONAL
 ORGANIZATIONS AND HUMAN RIGHTS
 SEXUAL EXPLOITATION OF WOMEN AND CHILDREN
 MARCH 22, 1994

Mr. Chairman, it is a sad commentary on the state of the world that today we are meeting to discuss the pervasive and ever growing problem of sexual exploitation of women and children.

Throughout the world there are social, economic and cultural conditions which contribute to the abuse and exploitation of women and children. Quite often those who are most vulnerable are victimized by those who create the abusive conditions. What is tragic about this particular form of abuse is that these women and children have no hope of overcoming their situation. In fact, there are laws enacted which support and promote the abuses, rather than protect those who are abused. An industry of "sex tourism" which is a major component of the national economy has developed in many of these countries. A large and flourishing pornography industry also contributes to their economic growth. Tragically, the governments of these nations place profit above human dignity and basic decency. Were it not for the work of independent human rights organizations we would never know of the scope of this tragedy. Governments and individuals who benefit from the sexual abuse and exploitation have no incentive to end the "industries."

Millions of women and children--some of them as young as six-years-old--are robbed of their dignity, their innocence and often their very lives by sick, depraved individuals who have not regard for the value and preciousness of human life. Just a few examples can show us how wide-spread and evil this abuse is.

Mr. Chairman, you are well aware of my interest in human rights in China. Just when we think things could not get worse in the terms of human rights and China's lack of compliance with the Executive Order, more reports of women being sold into sexual slavery are coming to light. "Renfanzi"--"dealers in human beings"--can be found in the market places hawking their wares--young girls abducted from villages--to the highest bidders. In the book The Abduction and Sale of Women: A Factual Report, the chilling details of what happens to many of these women are recounted. One young woman, a nursing student, was victimized by a man posing as professor, who raped her and sold her to a "second hand dealer," who in turn raped her and sold her to another man.

Since 1986, 48,100 women have been kidnapped in just six counties. Many of these are sold into sexual slavery. Mr. Chairman, in one village 1,800 women have been kidnapped and sold as brides in other villages in China. Like all other human rights abuses, Mr. Chairman, this is just the tip of the iceberg--there are over 2,000 counties in China and we have statistics on only six.

In other areas of Asia the trafficking of women and children from different countries is well documented. Thailand has developed an entire tourism industry on sexual exploitation. The Women's Rights Project of Asia Watch, which is represented today, reported on the large trafficking of women and children from Burma to Thailand where they are "compelled to have sex with as many as ten to fifteen customers a day." The high rate of AIDS in Thailand places these women in extreme danger--there is evidence that suggests that over 50% are HIV-positive.

Even when the government intervenes and "rescues" them from this slavery, they are subjected to further abuse. It is these victims who are jailed and then deported as illegal immigrants. It is rare that the pimps are arrested and prosecuted.

Tens of thousands of Asian women, many of them Filipinas, are trapped in the sex industry of Japan. Faced with increasing poverty and hardship at home, they are lured to Japan where they are able to make in one night more money than they could for an entire month at home.

Mr. Chairman, we are all disturbed that sexual exploitation of women and children in these countries is developing into a "sex tourism" industry. We are all disturbed that children are being robbed of their innocence, forced into a slavery which degrades them--and often leads to death. We are all disturbed that women are being sold in to a servitude from which there is no escape. And, Mr. Chairman, we should not only be discussing this issue and working together to seek solutions which will end this atrocity, but we need to address the conditions which force people into slavery and degradation.

However, Mr. Chairman, we must also be disturbed by the complicity of many Americans, and, I am sad to say, even the Administration, which encourages the continual sexual exploitation and abuse of women and children through a weakening of the pornography laws--specifically the child pornography laws--in our own country. When we discuss the sexual exploitation of women and children we must not ignore the lucrative child pornography industry that exists in the U.S. and extends to other countries. Many of the pornographic materials available in the U.S. are produced in the "sex markets" of Asia and find an eager audience here. There are conditions in our own country which contribute to the continued sexual exploitation of women and children throughout the world.

On September 17, the Justice Department petitioned the U.S. Supreme Court in *Knox v United States* to remand the case of a man convicted under federal child pornography law back to a lower court for review. The Clinton brief argues that a weaker standard be applied in this precedent setting case than that which was affirmed by the Court of Appeals for the Third Circuit. If Mr. Clinton prevails, efforts to curb this hideous form of child abuse will be seriously undermined.

The Clinton policy seriously weakens law enforcement efforts to crackdown on child porn in this country by inventing a new two-part test of what constitutes a crime. Under Clinton, both criteria must be met for a successful prosecution. The Clinton Administration's policy would transfer the burden from the pornographer's intent in arousing

a pedophile to the actions of the exploited child. This clearly undermines the meaning of the law as supported by the 1989 case *United States v Villard* which stated that lasciviousness depends on the intention of the photographer of the material to elicit a sexual response from the viewer. For example, sexually explicit photographs of sleeping children or videos of unclothed children innocently playing on a beach who are secretly filmed by a pedophile could not be said to depict minors "engaged in conduct of lasciviously exhibiting their genitals or pubic areas."

The brief also argues that nudity or visibility of the child's genitalia or pubic area is required. This reinterpretation of the nation's child pornography statute by Mr. Clinton would shield from prosecution a sizable element within the child pornography industry. This immunity, however, would be conferred to the purveyors and users of kiddie smut at the direct expense of vulnerable children. The Court of Appeals correctly summed up Congressional intent on this point in stating:

"The harm Congress attempted to eradicate by enacting the child pornography laws is present when a photographer unnaturally focuses on a minor child's clothed genital area with the obvious intent to produce an image sexually arousing to pedophiles....Our interpretation simply declines to create an absolute immunity for pornographers who pander to pedophiles by using as their subjects children whose genital areas are barely covered."

It is outrageous to me that the Clinton Justice Department seeks to have this standard, designed to protect children from exploitation, declared 'null and void.' Patrick Trueman, head of the Child Exploitation and Obscenity office at the Bush Justice Department, notes that the Clinton brief "writes a recipe for 'legal' child pornography, i.e., child pornography that the Reno Justice Department will no longer prosecute....With its new interpretation of the federal child pornography law, the Department gives to pedophiles what they could never get from Congress." (Patrick Trueman can be reached at the American Family Association in Washington, D.C.)

The pornographic tapes which were the basis of the *Knox* case and which would likely receive immunity under the Clinton Justice Department, were described by the Third Circuit Court of Appeals as containing:

"various vignettes of teenage and preteen females, between the ages of 10 and 17, striking provocative poses for the camera. The children were obviously being directed by someone off-camera. All of the children wore bikini bathing suits, leotards, underwear or other abbreviated attire while they were being filmed....The photographer would zoom in on the children's pubic and genital area and display a close-up for an extended period of time."

The lower court offered this portrayal of how a catalogue described a scene on the tape:

"an enchanting scene showing a dark-haired beauty of 11 letting us have a long, slow look up her dress to view her snow-white panties..[and]..scenes of a 13 year old in a leopard skin bikini with a magnificent ass that she puts on display for you as she walks back and forth slowly and teasingly."

The company which produced these tapes described one of them, "Sassy Sylphs," in promotional materials as:

"Just look at what we have in this incredible tape: about 14 girls between the ages of 11 and 17 showing so much panty and ass you'll get dizzy. There are panties showing under shorts and under dresses and skirts; there are boobs galore and T-back (thong) bathing suits on girls as young as 15 that are so revealing it's almost like seeing them naked (some say even better)."

127 Members of Congress from both sides of the aisle have sent a letter to Attorney General Janet Reno urging her to abandon this morally indefensible position. The Clinton Justice Department has devised a thoroughly flawed legal reinterpretation of Congressional intent, has radically reversed the Bush prosecution strategy as it relates to child pornography, and as a consequence has concocted a formula for creating a new protected category of child pornography which will open the flood gates to the exploitation of children. Moreover, last week 234 members of the House and Senate submitted an amicus brief repudiating Mr. Clinton's reinterpretation of the nation's child pornography laws.

A resolution reaffirming Congress' purpose in passing existing child pornography law and opposing the Justice Department's misinterpretation of this statute has also been introduced by me and over a hundred cosponsors.

In addition to the simple standard of decency in protecting a child from the exploitation of child pornography, there is a proven and consistently supported "compelling interest" in the elimination of such materials. The crime we are determined to prevent is, as so aptly phrased in the Court of Appeals *Knox* decision, "the affront to the dignity and privacy of the child and the invasion of the child's vulnerability." It is our obligation to protect not only our own children but women and children from around the world from this victimization.

Statement by Rep. Joseph P. Kennedy II

Subcommittee on International Security, International
Organizations and Human Rights
Committee on Foreign Affairs
U.S. House of Representatives
Washington, D.C. 20515

March 22, 1994

Mr. Chairman, I want to congratulate you and the members of your committee for convening this important hearing on the sexual exploitation of women and children in Asia. Your work here and as Co-Chair of the Human Rights Caucus, has been instrumental in bringing the light of public scrutiny, and the weight of public opinion to bear against abusive practices around the world. I am happy to be on a panel, once again, with John Shattuck -- who is both a friend and a constituent of mine. All of us in the human rights community are lucky to have you as our champion within this Administration.

I would also like to welcome Dorothy Thomas, Director of the Women's Rights Project at Human Rights Watch. Your report on the 20 to 30,000 Burmese women and girls who have been forced into the brothels of Thailand is utterly devastating. I am arranging a meeting with the Ambassador of Thailand to discuss this issue and I hope that Chairman Lantos will be able to join me in that meeting. And I'm glad to see Ken Kloth again. Your testimony last year in the Human Rights Caucus on child prostitution in Asian tourism set in motion the legislation I'd like to speak about today.

Earlier this month, I introduced, with Representatives Ramstad and Bliley, H.R. 3993, "The Child Sexual Abuse Prevention Act of 1994." The bill was approved by the Judiciary Committee on Friday and will be taken up by the House tomorrow as part of the Crime Bill.

Our bill strengthens barriers against international trafficking in child pornography and makes it illegal for U.S. citizens to travel to foreign countries for the purpose of engaging in sexual acts with minors that would be illegal if the acts were committed in the United States.

The number of children involved in prostitution, both in the United States and abroad, is shocking: children's advocates estimate as many as 40,000 girls in the Philippines; 800,000 in Thailand; 70,000 in Taiwan; 400,000 in India; 30,000 in Sri Lanka, mostly little boys; and 25,000 girls in Brazil's Amazon mining camps.

In testimony before the Congressional Human Rights Caucus last year, we were told that these children often come from desperately poor families in remote rural areas or urban slums. Some are sold into the sex trade by their families. Others are kidnapped or lured by traffickers with offers of domestic work or other employment. They often find themselves in foreign lands, without money, not knowing the language, with no way out.

A study in Thailand found child prostitutes serving an average of three customers a day, six or seven days a week, every week of the year. There are towns in the Philippines, Thailand and Sri Lanka that are internationally known as sex-tourism destinations.

A majority of the prostitution is for domestic markets, but there is also organized international sex-tourism from countries like the United States, Germany, Australia and Japan. Many agencies in the U.S. organize sex tours, serving thousands of customers a year, with package deals including airline, hotel, food, and transportation. Customers may choose an "escort" for the duration of their tour, change "companions" from day to day, or simply follow the recommendations of their tour agency about local brothels to patronize.

One such organization wrote in its newsletter: "This is a form of commercial sex. Subtracting the hotel portion from your tour price, you will spend less per day than on a date with a 'nice girl' back home that ends with a kiss on your cheek and her door in your face." I have met with investigative reporters who taped a tour operator making promises of sex with girls fifteen years old or younger for the right price.

It is outrageous that U.S. citizens are allowed to travel abroad to engage in the sexual exploitation and abuse of minors that would be illegal in the United States, and that U.S. agencies organize and advertise such travel. Some countries have a lower age of "consent" for minors, or lax laws or enforcement against prostitution. But sex with children is harmful and immoral, regardless of the local laws. U.S. citizens and tour agencies should not be allowed to fuel an international industry that results in the physical and psychological abuse of tens of thousands of children. The damaging consequences of this abuse can last a lifetime.

U.S. criminal law, under the Mann Act, makes it illegal to transport a minor for the purpose of prostitution or abusive sexual practices. Our legislation would simply amend this provision to make it illegal to travel or conspire to travel in foreign commerce for the purpose of sexual acts with minors that would be illegal if they were conducted in the United States.

Additionally, our legislation would make it a felony under U.S. law for any person outside of the United States to produce or traffic in child pornography, with the intent that those materials be imported into the United States. Tens of thousands of children around the world are victimized in this trade, which is often conducted by individuals and agencies that are also involved in child sex tourism. Finally, our legislation urges States in this country to enact legislation prohibiting the production, distribution or possession of child pornography.

I am firmly convinced that our legislation is an essential first step in eliminating the source of traffic in child pornography and international tourism for sex with minors, which damages thousands upon thousands of innocent young lives each year, both in the United States and around the world.

I would like to urge the members of this Committee to support the language of H.R. 3993 when it is considered as part of the Crime Bill, and I would like to thank you again for your work in bringing these abusive practices to the attention of the Congress and the American people.

TESTIMONY BY

ASSISTANT SECRETARY OF STATE FOR
HUMAN RIGHTS AND HUMANITARIAN AFFAIRS
JOHN SHATTUCK

ON

THE SEXUAL EXPLOITATION OF WOMEN AND CHILDREN

BEFORE THE

UNITED STATES HOUSE OF REPRESENTATIVES
FOREIGN AFFAIRS SUBCOMMITTEE ON INTERNATIONAL SECURITY,
INTERNATIONAL ORGANIZATIONS AND HUMAN RIGHTS

MARCH 22, 1994

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, IT IS AN HONOR TO APPEAR BEFORE YOU TODAY TO PARTICIPATE IN THIS IMPORTANT SERIES OF HEARINGS ON HUMAN RIGHTS ABUSES AGAINST WOMEN.

I NOTE THAT DOROTHY THOMAS, DIRECTOR OF THE WOMEN'S RIGHTS PROJECT, AND KEN KLOTHEN, OF CHILD DEFENSE INTERNATIONAL, WILL TESTIFY IN PANEL II. THOSE GROUPS, AND NON-GOVERNMENTAL ORGANIZATIONS GENERALLY, ARE DOING EXCEPTIONAL WORK AND ARE HELPING US EXPAND THE TRADITIONAL AGENDA OF HUMAN RIGHTS. I LOOK FORWARD TO HEARING THEIR TESTIMONY AND TO OUR CONTINUING PARTNERSHIP.

WHEN WE THINK OF VICTIMS OF HUMAN RIGHTS VIOLATIONS, THE IMAGE THAT OFTEN COMES TO MIND FIRST IS OF A POLITICAL DISSIDENT BEING INTERROGATED, TORTURED, AND LEFT IN A DANK CELL. BUT THAT IS ONLY ONE PART OF THE PICTURE. THE RECENT ASIA WATCH REPORT ON THE TRAFFICKING OF BURMESE WOMEN TO THAILAND DEEPENS OUR UNDERSTANDING OF HUMAN RIGHTS AND PERSONALIZES OUR CONCERN. AS A RESULT OF THIS REPORT, OUR PICTURE OF HUMAN RIGHTS VICTIMS IS EXPANDED TO INCLUDE PEOPLE SUCH AS A THIRTEEN-YEAR-OLD BURMESE GIRL NAMED LIN-LIN -- SOLD INTO A MODERN FORM OF SLAVERY BY HER FAMILY, WHO MAY OR MAY NOT BE AWARE OF THE FATE THAT AWAITS HER, THEN TRAFFICKED ACROSS THE THAI BORDER BY PROFITEERS, HUSTLED INTO A DINGY BANGKOK BROTHEL OF CONCRETE BEDS AND CUBICLES WHERE SHE IS FORCED INTO PROSTITUTION, WITHOUT EDUCATION OR MEDICAL CARE, WITH LITTLE HOPE OF ESCAPE OR OF A BRIGHTER FUTURE OTHER THAN AN OVERWHELMING LIKELIHOOD OF CONTRACTING AIDS. HER PLIGHT MAY NOT MAKE THE FRONT PAGES, BUT IT SHOULD, AND SHE IS THE REASON WE ARE HERE TODAY.

U.S. FOREIGN POLICY AND WOMEN'S RIGHTS

ALTHOUGH THE UNIVERSAL DECLARATION OF HUMAN RIGHTS APPLIES TO ALL PEOPLE, TOO LITTLE ATTENTION HAS BEEN PAID TO THE UNIQUE FORMS OF PERSECUTION THAT WOMAN ENDURE. THIS ADMINISTRATION IS VERY SERIOUS ABOUT SPOTLIGHTING AND ATTACKING THESE ISSUES.

IN NOVEMBER CONGRESSIONAL TESTIMONY, SECRETARY OF STATE CHRISTOPHER OUTLINED THE ADMINISTRATION'S FOREIGN POLICY PRIORITIES. AMONG THE AREAS HE EMPHASIZED WERE ECONOMIC SECURITY AND FREE TRADE; PROMOTING POLITICAL AND ECONOMIC REFORM IN THE NEWLY INDEPENDENT STATES OF THE FORMER SOVIET UNION; FOSTERING PEACE IN THE MIDDLE EAST; AND SECURING INTERNATIONAL-COOPERATION ON SUCH GLOBAL ISSUES AS NONPROLIFERATION, THE ENVIRONMENT, AND HUMAN RIGHTS. THIS APPROACH SYNTHESIZES TRADITIONAL NATIONAL SECURITY ISSUES WITH THE CHALLENGES AND OPPORTUNITIES OF THE POST COLD WAR WORLD. PEACE, PROSPERITY AND FREEDOM ARE NOT THE PURVIEW OF MEN ALONE. THE CLINTON AGENDA IS DESIGNED TO PROTECT THE AMERICAN PEOPLE AND CREATE A MORE LAWFUL, JUST WORLD FOR ALL: FOR MEN, FOR WOMEN, AND FOR CHILDREN.

ONE NEED ONLY LOOK AT BOSNIA TO UNDERSTAND THAT WAR AND PEACE, WEAPONS AND NONPROLIFERATION, SIEGE AND HUMANITARIAN RELIEF MAY SOMETIMES AFFECT WOMEN EVEN MORE POWERFULLY THAN MEN, AND THAT ABUSES AGAINST WOMEN -- SUCH AS MASS RAPE -- ARE AN ESPECIALLY TRAGIC RESULT OF THE BRUTALITY OF WAR. BY DEEPENING OUR INVOLVEMENT WITH WOMEN'S ISSUES, WE ARE EXPANDING OUR VISION, AND PRESENTING A MORE COMPLETE CONCEPTION OF HUMAN RIGHTS.

WITHIN THE STATE DEPARTMENT, WE ARE FOCUSING NEW ATTENTION ON WOMEN'S RIGHTS. SINCE LAST FALL I HAVE CHAIRED A COMMITTEE WHICH INCLUDES SENIOR REPRESENTATIVES FROM STATE, AID, AND USIA THAT IS LOOKING AT WAYS OF BETTER INTEGRATING WOMEN'S ISSUES INTO OUR FOREIGN POLICY.

IN ADDITION TO EXPANDING HUMAN RIGHTS POLICY, WE ARE INCORPORATING WOMEN'S CONCERNS INTO U.S. ASSISTANCE PROGRAMS, REFUGEE PROGRAMS, AND POPULATION POLICY. FOR EXAMPLE, WE HAVE WORKED WITH THE UN HIGH COMMISSIONER FOR REFUGEES TO HIRE MORE WOMEN AND TO DEVELOP GUIDELINES FOR ATTENDING TO THE SPECIAL CONCERNS OF FEMALE REFUGEES.

IN AFRICA, THE STATE DEPARTMENT HAS FUNDED SEVERAL PROJECTS THAT ASSIST WOMEN'S GROUPS AND PROMOTE WOMEN'S RIGHTS. IN THE COTE D'IVOIRE, IN GHANA, IN MALI, AND IN BENIN, WE HAVE FUNDED WORKSHOPS ON A WIDE RANGE OF WOMEN'S ISSUES. WE HAVE TRAINED WOMEN LAWYERS IN LESOTHO TO PARTICIPATE IN DEMOCRATIZATION; WE HAVE ASSISTED THE PUBLICATION OF INFORMATION ON WOMEN'S RIGHTS IN MADAGASCAR AND THE PRINTING AND DISTRIBUTION OF A BOOK ON "WOMEN IN THE LAW" IN MALAWI. OTHER PROJECTS PROVIDE GRANTS FOR THE ASSOCIATION OF WOMEN LAWYERS LEGAL AID CLINICS IN MALI, FOR A NETWORK TO HELP RWANDAN WOMEN PARTICIPATE IN THE POLITICAL PROCESS, FOR A PILOT PROJECT ON RAPE AND VIOLENCE COUNSELING IN SOMALIA, AND PROJECTS ON HEALTH ISSUES IN BENIN AND UGANDA.

A PARTICULARLY DISTURBING ISSUE IN PARTS OF AFRICA, ASIA AND THE MIDDLE EAST IS FEMALE GENITAL MUTILATION. USAID HAS ORGANIZED A WORKING GROUP TO DETERMINE THE MOST EFFECTIVE WAY THE U.S. CAN WORK WITH OTHER NATIONS TO ELIMINATE THIS PRACTICE. THE WORKING GROUP IS INVESTIGATING MODEL PROGRAMS AND EXPLORING WHICH MECHANISMS AND FUNDING SOURCES ARE AVAILABLE FOR USE IN COMBATING FGM. FOR A MORE ACCURATE ASSESSMENT OF THE PROBLEM, USAID HAS RECENTLY INSTRUCTED ALL APPROPRIATE MISSIONS TO GATHER INFORMATION ON THE PRACTICE OF FGM IN THEIR HOST COUNTRIES, AND IS FUNDING SEVERAL PROPOSED IN-COUNTRY STUDIES. USAID HAS ALSO BEGUN DISTRIBUTING INFORMATION ON FGM TO ITS NEAR EAST AND AFRICAN MISSIONS, WHO ARE, IN TURN, FORWARDING THAT INFORMATION TO LOCAL ORGANIZATIONS CONCERNED WITH THE ISSUE. FINALLY, THE U.S. IS PROVIDING FINANCIAL ASSISTANCE TO A NUMBER OF DELEGATES TO THE UPCOMING MEETING OF THE INTER-AFRICAN COMMITTEE ON HARMFUL TRADITIONAL PRACTICES. THIS MEETING, TO BE HELD IN ETHIOPIA IN APRIL, 1994, WILL FOCUS MAINLY ON FGM.

ANOTHER MAJOR FOCUS IS WOMEN'S EDUCATION. IN ASIA, A MAJOR LITERACY PROJECT IS BEING DESIGNED FOR NEPAL, TARGETED AT FEMALE SCHOOL LEAVERS. THE U.S. ALSO FUNDS THE HEALTH EDUCATION AND ADULT LITERACY PROJECT, WHICH PROVIDES NEPAL'S WOMEN WITH EDUCATION IN FAMILY PLANNING. THE GLOBAL USAID ADVANCING BASIC EDUCATION AND LITERACY PROJECT HAS PRODUCED AN IN-DEPTH CASE STUDY OF THE HIGHLY SUCCESSFUL BANGLADESH RURAL ACTION COMMITTEE NONFORMAL EDUCATION PROGRAM, WHICH REQUIRES THAT 70% OF THE STUDENTS BE FEMALE. THIS AID PROJECT ALSO PROVIDES TECHNICAL ASSISTANCE FOR WOMEN THROUGHOUT THE WORLD. IN LATIN AMERICA, USAID'S GIRLS' EDUCATION INITIATIVE IN GUATEMALA HAS BEEN PARTICULARLY SUCCESSFUL. IN A COUNTRY WHERE GIRLS' EDUCATION WAS VIRTUALLY IGNORED, 35 PRIVATE VOLUNTARY ORGANIZATIONS AND BUSINESSES HAVE NOW DEVELOPED GIRLS' EDUCATION PROJECTS, WITH U.S. ASSISTANCE.

PRESSING THE HUMAN RIGHTS AGENDA IN THE UNITED NATIONS

IN ADDITION TO OUR BILATERAL EFFORTS, WE ARE WORKING CLOSELY WITH THE UNITED NATIONS TO ADVANCE WOMEN'S RIGHTS. AT THE WORLD CONFERENCE ON HUMAN RIGHTS LAST JUNE IN VIENNA, THE UNITED STATES DELEGATION PROMOTED A STRONG WOMEN'S RIGHTS AGENDA; INDEED, THE U.S. ACTION PLAN BECAME THE BASIS FOR THE PLANKS ON WOMEN IN THE CONFERENCE'S FINAL DECLARATION. THAT PLAN CALLED FOR THE SYSTEMATIC INTEGRATION OF WOMEN'S ISSUES INTO UN PROGRAMS, FOR TRAINING UN PERSONNEL TO ENSURE SENSITIVITY AND COMPETENCE IN ADDRESSING GENDER-BASED ABUSES, FOR THE APPOINTMENT OF MORE WOMEN TO POSITIONS OF RESPONSIBILITY WITHIN THE UN, AND FOR THE APPOINTMENT OF A UN SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN. IN A MAJOR ADVANCEMENT, AND WITH STRONG U.S. BACKING, THE UN HUMAN RIGHTS COMMISSION THIS MONTH ESTABLISHED THE POSITION. WE WILL WORK WITH OTHER NATIONS TO ENSURE THAT THE SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN IS ADEQUATELY STAFFED AND FUNDED.

BECAUSE OF U.S. PRODDING, VIOLENCE AGAINST WOMEN IS AN INCREASING FOCUS OF UN HUMAN RIGHTS ACTIVITY. A TOP PRIORITY IS ENSURING THAT THE WAR CRIMES TRIBUNAL INVESTIGATING THE FORMER YUGOSLAVIA ADDRESSES THE SYSTEMATIC RAPE OF WOMEN AS AN INSTRUMENT OF ETHNIC CLEANSING. IN KENYA, THE U.S. HAS WORKED WITH AND CONTRIBUTED FUNDS FOR THE UN HIGH COMMISSIONER FOR REFUGEES TO COMBAT THE RAPE OF SOMALI REFUGEE WOMEN. THE UNHCR PROGRAM ADDRESSED SEVERAL FACETS OF THE PROBLEM, FROM ENHANCED PHYSICAL SECURITY TO PROVIDING COUNSELLING TO VICTIMS, TO STRENGTHENING THE CAPACITY OF THE KENYAN POLICE. THERE HAS SUBSEQUENTLY BEEN SOME IMPROVEMENT.

TRAFFICKING IN WOMEN AND CHILDREN

CHILD PROSTITUTION AND THE TRAFFICKING OF WOMEN AND CHILDREN ARE NOT ONLY ABHORRENT TO THE UNITED STATES, THEY ARE A VIOLATION OF FUNDAMENTAL HUMAN RIGHTS PRINCIPLES SET FORTH IN THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS AND THE CONVENTION ON THE SUPPRESSION OF TRAFFIC IN PERSONS AND THE EXPLOITATION OF THE PROSTITUTION OF OTHERS. THE 1993 COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES, PREPARED BY MY BUREAU, CHRONICLE THESE ACTIVITIES IN MANY COUNTRIES, INCLUDING BURMA, THAILAND, INDIA, BANGLADESH, AND THE PHILIPPINES. BUT THIS IS NOT JUST A THIRD WORLD PROBLEM: SOME OF THE WOMEN VICTIMIZED BY THIS PRACTICE ARE REPORTEDLY SENT TO JAPAN, CYPRUS, BELGIUM, AND OTHER WESTERN COUNTRIES.

THE 1993 REPORT ON THAILAND OFFERS THIS DESCRIPTION OF THE TRADE:

"THE TREND OF TRAFFICKING IN WOMEN FROM HILL TRIBES AND NEIGHBORING COUNTRIES CONTINUED. BROTHEL OPERATORS REPORTEDLY FAVOR SUCH WOMEN BECAUSE THEY ARE CHEAPER TO BUY AND THEIR INABILITY TO SPEAK THAI MAKES THEM EASIER TO CONTROL. IN A WIDELY PUBLICIZED BROTHEL RAID IN RANONG IN JULY, 150 BURMESE WOMEN WERE ARRESTED BY POLICE AS ILLEGAL IMMIGRANTS AND PROSTITUTES. MANY OF THE WOMEN CLAIMED THEY WERE TRICKED INTO COMING TO THAILAND BY OFFERS OF EMPLOYMENT. THE WOMEN WERE KEPT LOCKED IN DORMITORY-STYLE ROOMS, AND MANY COMPLAINED THEY WERE PHYSICALLY ABUSED BY THE BROTHEL OPERATORS IF THEY REFUSED TO WORK AS PROSTITUTES. BECAUSE THEY ARE CONSIDERED ILLEGAL IMMIGRANTS, THE WOMEN HAVE NO RIGHT TO LEGAL COUNSEL OR HEALTH CARE WHILE IMPRISONED."

THE PICTURE THAT EMERGES FROM THE STATE DEPARTMENT HUMAN RIGHTS REPORT AND FROM THE BOOK PRODUCED BY HUMAN RIGHTS WATCH IS OF A DESPERATE SITUATION. MANY OF THE WOMEN CONTRACT AIDS. MOST ARE UNABLE TO ASK FOR HELP BECAUSE THEY CANNOT SPEAK THE LOCAL LANGUAGE, DO NOT KNOW WHERE THEY ARE, FEAR THE RETRIBUTION OF BROTHEL OWNERS, AND, AS ILLEGAL ALIENS, HAVE FEW LEGAL RIGHTS. SADLY, MANY WOMEN BECAME INVOLVED IN PROSTITUTION WITH THE COMPLICITY OF THEIR FAMILIES.

IN BURMA THE PROBLEM IS COMPOUNDED BY OTHER EGREGIOUS HUMAN RIGHTS VIOLATIONS. MANY BURMA WOMEN TRAFFICKED INTO PROSTITUTION COME FROM AREAS OF CIVIL WAR WHERE GOVERNMENT SOLDIERS HAVE CONDUCTED A VIOLENT CAMPAIGN AGAINST THE CIVILIAN POPULATION. MANY ARE AFRAID TO GO HOME. THE CLINTON ADMINISTRATION HAS RECENTLY CONDUCTED A REVIEW OF OUR POLICY TOWARD BURMA. WE ARE TAKING A MORE ACTIVIST APPROACH TO ENCOURAGE THE RESTORATION OF A LAWFUL, DEMOCRATIC GOVERNMENT IN THAT COUNTRY -- A GOVERNMENT MORE LIKELY TO PROTECT ITS PEOPLE FROM THE ABUSES DESCRIBED IN THE STATE DEPARTMENT AND ASIA WATCH REPORTS.

THE PRIMARY RESPONSIBILITY FOR CURBING THE TRAFFICKING OF WOMEN THROUGH THAILAND AND FOR PROTECTING WOMEN FROM SUCH ABUSES RESTS WITH THE GOVERNMENT OF THAILAND. PRIME MINISTER CHUAN HAS SAID THAT HE IS COMMITTED TO ADDRESSING THE PROBLEM OF CHILD PROSTITUTION IN THAI SOCIETY, AND HIS GOVERNMENT HAS TAKEN SOME LIMITED STEPS IN THAT DIRECTION. SHORTLY AFTER THE CHUAN GOVERNMENT'S ELECTION IN SEPTEMBER 1992, IT DECLARED THAT CHILD PROSTITUTION WOULD NO LONGER BE TOLERATED. THE GOVERNMENT SPENT MONTHS DRAFTING LEGISLATION INTENDED TO STIFFEN PENALTIES FOR BROTHEL OWNERS AND PROCURERS, ESPECIALLY THOSE INVOLVING CHILDREN. THE DRAFT BILL, WOULD PERMIT THE PUNISHMENT OF MEN WHO PATRONIZE UNDERAGE PROSTITUTES. THE DRAFT VERSION HAS BEEN PASSED TO THE JURIDICAL COUNCIL FOR REVIEW; ONCE APPROVED BY THE COUNCIL, IT WILL BE SUBMITTED TO PARLIAMENT. UNFORTUNATELY, THE PROPOSED LEGISLATIVE REFORM HAS NOT YET BEEN MATCHED BY ANY SERIOUS EFFORT TO STEP UP LAW ENFORCEMENT ACTIONS AGAINST TRAFFICKERS AND BROTHEL OWNERS, WHO CONTINUE TO OPERATE LARGELY WITH IMPUNITY.

IN ADDITION TO LEGISLATION, THE CHUAN GOVERNMENT IS CONSIDERING OTHER STEPS TO ADDRESS THE PROBLEM. IN 1992-1993, WELFARE AND OCCUPATIONAL CENTERS WERE SET UP TO PROVIDE TRAINING FOR YOUNG PEOPLE IN THE NORTH, IN AN EFFORT TO REMOVE INCENTIVES FOR ENTERING PROSTITUTION AND TO REHABILITATE PROSTITUTES WHO RETURN. THE THAI GOVERNMENT ALSO HOPES THAT THE DECISION THIS YEAR TO EXTEND COMPULSORY EDUCATION FROM SIX TO NINE YEARS WILL DETER SOME YOUNG GIRLS FROM MIGRATING TO URBAN AREAS AS PROSTITUTES. IN ADDITION, THE GOVERNMENT HAS LAUNCHED AN EDUCATIONAL CAMPAIGN ON SOCIAL VALUES DESIGNED TO PERSUADE PARENTS NOT TO SELL THEIR DAUGHTERS INTO PROSTITUTION.

A U.S. ACTION PLAN

EARLIER THIS MONTH I TRAVELLED TO THAILAND, TO URGE THE THAI GOVERNMENT TO TAKE MORE AGGRESSIVE ACTION TO PROMOTE THE WELFARE OF WOMEN, INCLUDING FIGHTING AGAINST TRAFFICKING AND CHILD PROSTITUTION. I DISCUSSED THESE ISSUES WITH THE DEPUTY PRIME MINISTER AND WITH THE MINISTERS OF THE INTERIOR AND FOREIGN AFFAIRS. WE DISCUSSED THE NEW MEASURES THE GOVERNMENT IS TAKING, AND I RAISED THE URGENT NECESSITY OF INVESTIGATING AND PROSECUTING OFFENDERS. WE ALSO DISCUSSED THE HEALTH PROBLEMS INHERENT IN PROSTITUTION, PARTICULARLY WAYS TO PREVENT CONTRACTION OF HIV. THE DEPUTY PRIME MINISTER ASSURED ME THAT WOMEN'S ISSUES WERE A HIGH PRIORITY FOR THE CHUAN GOVERNMENT, NOT ONLY IN THE AREA OF TRAFFICKING AND PROSTITUTION, BUT ALSO IN TERMS OF PROMOTING EQUAL OPPORTUNITY IN THE WORKPLACE. THESE ISSUES, AND RELATED PROBLEMS OF WORKPLACE SAFETY AND CHILD EMPLOYMENT, ARE NOW FIRMLY ON OUR BILATERAL AGENDA WITH THAILAND.

WE ARE ALSO ADDRESSING THE PROBLEM PROGRAMATICALLY, AND I HAD AN OPPORTUNITY TO REVIEW FIRST-HAND U.S. PROGRAMS IN THAILAND. THE PEACE CORPS SPONSORS AN AIDS AWARENESS PROGRAM IN BROTHELS. USAID RECENTLY ESTABLISHED AN AIDS PREVENTION PROGRAM IN THAILAND, WHICH PROVIDES AIDS EDUCATION TO BOTH BROTHEL WORKERS AND PATRONS, AS WELL AS HELPING PROSTITUTES FIND ALTERNATIVE FORMS OF EMPLOYMENT. USAID ALSO PROVIDES SCHOLARSHIPS TO KEEP HIGH-RISK GIRLS IN SCHOOL. THIS YEAR IT IS FUNDING A STUDY TO SEE HOW YOUNG RURAL WOMEN WITH LITTLE EDUCATION CAN FIND EMPLOYMENT IN THE TELECOMMUNICATIONS INDUSTRY AS TECHNICIANS -- A HERETOFOR MALE PROFESSION. IN ADDITION TO THESE PROGRAMS IN THAILAND, THE STATE DEPARTMENT ALSO PROVIDES NEARLY \$1 MILLION IN ASSISTANCE TO BURMESE REFUGEES IN THE BORDER AREA.

WE ARE PLANNING TO TAKE FURTHER STEPS, AS WELL. DRAWING ON THE FINDINGS OF OUR 1993 HUMAN RIGHTS REPORT WE ARE CONSIDERING HOW THE DEVELOPMENT OF ADDITIONAL DIPLOMATIC EFFORTS AND TRAINING PROGRAMS TO COMBAT TRAFFICKING IN WOMEN IN THAILAND AND BURMA. THIS IS AN AREA WHERE NGOS AND EXPERTS OUTSIDE GOVERNMENT CAN PLAY AN EXTREMELY VALUABLE ROLE. WE WELCOME THEIR IDEAS AND WILL CONTINUE TO DRAW ON THEIR EXPERTISE.

BEYOND EDUCATIONAL EFFORTS, WE URGENTLY NEED TO ENCOURAGE COUNTRIES IN WHICH TRAFFICKING OF WOMEN AND CHILDREN GOES ON WITH IMPUNITY TO ENACT NEW LAWS, AND TO ENFORCE EXISTING LAWS. A PARTICULAR TARGET OF THIS STEPPED-UP LAW ENFORCEMENT SHOULD BE GOVERNMENT OFFICIALS WHO PARTICIPATE IN OR CONDONE TRAFFICKING, AS WELL AS BROTHEL OWNERS AND TRAFFICKERS. ADDITIONAL EFFORTS MUST ALSO BE MADE TO ASSIST VICTIMS WITH COUNSELING, HEALTH

SERVICES, TRAINING, AND ALTERNATIVE ECONOMIC OPPORTUNITIES. THE REASON WHY CHILD PROSTITUTION AND TRAFFICKING CONTINUE TO FLOURISH IN THE FACE OF LEGAL PROHIBITION IS THAT THE REAL OFFENDERS, THE PEOPLE WHO MAKE MONEY OUT OF THIS TRAFFIC IN WOMEN'S BODIES AND LIVES, ARE NOT ARRESTED. AS THE HUMAN RIGHTS WATCH REPORT INDICATES, ARRESTING THE WOMEN AND GIRLS DOES NOTHING TO STOP THE PRACTICE. ON THE CONTRARY, FEAR OF ARREST IS ONE OF THE FACTORS THAT CHAINS WOMEN TO THE BROTHELS.

THE TRAFFICKING OF BURMESE WOMEN AND CHILDREN INTO THAILAND IS JUST ONE MANIFESTATION OF A PROBLEM THAT CROSSES GEOGRAPHIC BOUNDARIES. AS PART OF OUR NEW FOCUS ON THIS ISSUE, THE CLINTON ADMINISTRATION IS INITIATING SEVERAL IMPORTANT ACTIONS TO COMBAT THE PROBLEM WORLDWIDE:

- AS WE OPEN RELATIONS WITH VIETNAM, WE ARE INCLUDING THIS ISSUE IN OUR HUMAN RIGHTS DIALOGUE.
- IN DECEMBER 1993, ALL EMBASSIES WERE INSTRUCTED TO SCREEN THE HUMAN RIGHTS RECORDS OF ALL CANDIDATES FOR U.S.-SPONSORED TRAINING AND EDUCATION. THIS INCLUDES MILITARY AND POLICE TRAINING, ANTINARCOTICS TRAINING, FOREIGN FACULTY APPOINTMENTS TO DEFENSE SCHOOLS, USIA PROGRAMS, AND OTHER U.S.-SPONSORED TRAINING. THE STATE DEPARTMENT INSTRUCTIONS TO POSTS INDICATE THIS SCREENING SHOULD COVER INVOLVEMENT IN THE TRAFFICKING OF WOMEN AND CHILDREN.
- HUMAN RIGHTS TRAINING IS NOW BEING INCLUDED IN SOME IMET PROGRAMS. THE STATE DEPARTMENT IS WORKING WITH THE DEPARTMENT OF DEFENSE TO ENSURE THAT THE RIGHTS OF WOMEN ARE FULLY ADDRESSED AS PART OF THIS TRAINING. THE ISSUE OF TRAFFICKING IS EXPRESSLY ADDRESSED.
- SIMILAR TRAINING OF U.S. EMPLOYEES IS EQUALLY IMPORTANT. MY BUREAU RUNS SEMINARS ON HUMAN RIGHTS FOR STATE DEPARTMENT OFFICERS ASSIGNED ABROAD, AS WELL AS FOR PERSONNEL FROM OTHER AGENCIES, INCLUDING DOD AND DEA. WE REGULARLY INVITE NGOS TO ADDRESS THESE CLASSES AND THEIR INPUT HAS BEEN INVALUABLE.
- THE 1994 COUNTRY REPORTS WILL EMPHASIZE VIOLATIONS OF WOMEN'S HUMAN RIGHTS, WITH SPECIAL ATTENTION TO THE ROLE OF GOVERNMENT OFFICIALS IN THE TRAFFICKING OF WOMEN AND CHILDREN. SUCH INFORMATION HAS NOT BEEN SUFFICIENTLY COLLECTED OR REPORTED IN THE PAST, AND IT IS THE KEY TO THE PROBLEM OF LAX LAW ENFORCEMENT AND IMPUNITY. EMBASSIES HAVE BEEN ASKED TO REPORT MORE EXTENSIVELY ON PATTERNS OF TRAFFICKING, SO THAT WE CAN TRACE BOTH WHERE THE WOMEN ARE COMING FROM AND WHICH COUNTRIES THEY ARE BEING SENT TO.

• THERE HAVE BEEN ALLEGATIONS THAT SOME OF THE WOMEN LURED INTO PROSTITUTION ARE DESTINED FOR THE U.S. MY BUREAU IS WORKING WITH THE BUREAU OF CONSULAR AFFAIRS ON GUIDANCE TO EMBASSIES REGARDING SCREENING VISA APPLICANTS. UNDER U.S. LAW, PERSONS WHO ARE TRAVELLING TO THE U.S. TO ENGAGE IN PROSTITUTION AND PERSONS WHO TRAFFIC IN PROSTITUTES ARE INELIGIBLE TO RECEIVE U.S. VISAS. WE WILL WORK WITH THE CONSULAR AFFAIRS BUREAU TO DEVELOP METHODS THAT WILL HELP POSTS IDENTIFY TRAFFICKERS.

THESE ARE SOME OF THE NEW STEPS THE U.S. CAN TAKE ON ITS OWN. HOWEVER, WE WILL ALSO ENGAGE OTHER COUNTRIES IN OUR EFFORTS TO ATTACK THE TRAFFICKING PROBLEM. IN THAT REGARD, THE U.S. WILL STRONGLY URGE THAT VIOLATIONS OF WOMEN'S HUMAN RIGHTS, INCLUDING TRAFFICKING IN WOMEN AND CHILDREN, BE HIGH ON THE AGENDA OF THE UN'S FOURTH WORLD CONFERENCE ON WOMEN, TO BE HELD IN BEIJING IN 1995. THE U.S. WILL ALSO URGE THAT THE NEWLY CREATED SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN INVESTIGATE THIS ISSUE.

MR. CHAIRMAN, THIS HEARING ON THE TRAFFICKING OF WOMEN IS AN IMPORTANT PART OF THE EFFORT TO RAISE THE VISIBILITY OF THIS ISSUE. THE MEMBERS OF THIS COMMITTEE HAVE BEEN EFFECTIVE ADVOCATES OF HUMAN RIGHTS. WHEN THE ADMINISTRATION, THE CONGRESS, AND THE NGO COMMUNITY JOIN FORCES TO PROTECT WOMEN'S RIGHTS, WE ADVANCE THE CAUSE. LET US CONTINUE TO WORK TOGETHER TO HELP ALL THE VICTIMS OF HUMAN RIGHTS ABUSES, OF EVERY AGE AND GENDER.

THANK YOU.



United States Department of State

Washington, D.C. 20520

Biography for John Shattuck

John Shattuck was sworn in as Assistant Secretary of the Bureau of Human Rights and Humanitarian Affairs on June 2, 1993.

From 1984 to 1993 Mr. Shattuck was Vice President of Harvard University, where he also taught human rights and civil liberties law at the Harvard Law School and served as Senior Associate in the Program on Science, Technology and Public Policy of the John F. Kennedy School of Government.

A longtime human rights advocate, Mr. Shattuck was the Executive Director of the American Civil Liberties Union, Washington Office, from 1976 to 1984 where he was in charge of directing relations with the U.S. Congress and executive branch agencies. He also served the American Civil Liberties Union as National Counsel, litigating in areas of privacy, government secrecy and political surveillance from 1971-1976.

Shattuck was a visiting lecturer at the Woodrow Wilson School of Politics, Princeton University in 1972 and was a law clerk to a U.S. District Judge from 1970 to 1971. He has also served as Vice Chair of the United States Section of Amnesty International, and as an Executive committee member of the Leadership Conference on Civil Rights.

Over the years, Shattuck has won a number of prestigious awards for his contributions to civil liberties and human rights, and for his commitment to public service. In 1989 he won the H.L. Mencken Award from the Free Press Association, the Yale Law School Public Service Award in 1988, and the Roger Baldwin Award in 1984.

Shattuck received his LL.B degree from Yale Law School in 1970, an M.A. with First Class Honors in International Law and Jurisprudence from Cambridge University in 1967, and a B.A., magna cum laude, from Yale College in 1965. He is married to Ellen Hume, a journalist and teacher and has four children, Jessica, Rebecca, Peter and Susannah.

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Testimony of Dorothy Q. Thomas

Director, Women's Rights Project, Human Rights Watch

Before the House Subcommittee on International Security,
International Organizations and Human Rights

March 22, 1994

My name is Dorothy Thomas, and I am the director of the Human Rights Watch/Women's Rights Project. Human Rights Watch is an independent human rights monitoring organization.

I am honored to appear again before the Subcommittee on Human Rights to testify about sex trafficking in Asia. Human Rights Watch has completed two investigations on this problem and is in the process of conducting three others. In 1992, we reported on the trafficking of women and girls from Bangladesh to Pakistan for forced prostitution and domestic and marital servitude.¹ More recently, we documented the trade of Burmese women and girls to Thailand.² I will use these examples to illustrate in detail how the international sex trafficking system works; the role of government agents in promoting and sustaining it; and the way in which legal remedies tend to punish the victims rather than the culprits. Finally, I will recommend steps that the US government should take to help stop this modern form of slavery and to address women's human rights violations more generally.

Although I will focus my remarks today on two particular cases — Thailand and Pakistan — I should emphasize that there are other transnational trafficking networks. For example, there are credible reports of trafficking in Brazil, from Southeast Asia to Japan and increasingly in Europe and the United States. Although women and girls are the majority of victims, they are not the only ones. The trade in human beings targets both males and females; they are

¹ *Double Jeopardy: Police Abuse of Women in Pakistan* was published by Human Rights Watch in 1992.

² *A Modern Form of Slavery: Trafficking of Burmese Women and Girls into Brothels in Thailand* was published by Human Rights Watch on January 31, 1994.

recruited for sexual slavery, forced domestic servitude, involuntary marriage or other exploitative purposes. In August of 1992 we released a report documenting the abuse and mistreatment of Asian maids by their Kuwaiti employers. Just last month, a court in Texas heard the asylum case of two Asian maids allegedly held in bondage in a Houston hotel by their Saudi employer. It is difficult to estimate with precision how many trafficking victims there are worldwide.

Trafficking in Women and Girls: Case Studies

Thailand and Burma

In the case of Thailand, we interviewed Burmese female trafficking victims directly, in shelters, at border areas and in detention facilities during the course of three factfinding missions in 1993. Our findings indicate that the trafficking of Burmese women and girls into Thailand is appalling in its efficiency and ruthlessness. A minimum of 20,000 Burmese women and girls have been trafficked into Thailand over the last two years, and more are being recruited at the rate of 10,000 a year.³ Driven by the desire to maximize profit and by the fear of AIDS, agents acting on behalf of brothel owners infiltrate ever more remote areas of Burma seeking unsuspecting recruits. Virgin girls are particularly sought after because they bring a higher price and pose less of a threat of exposure to sexually transmitted diseases, including AIDS.

The agents promise the women and girls jobs as waitresses or dishwashers, with good pay and a better life. Family members or friends typically accompany the women and girls to the Thai border, where they receive a payment ranging from \$400 to \$800 (10,000 *baht* to 20,000 *baht*) from someone associated with the brothel. This payment becomes the debt, usually doubled with interest, that the women and girls must work to pay off, not by waitressing or dishwashing, but through sexual servitude.

Once the women and girls are confined in the Thai brothels, escape is virtually impossible. Any Burmese woman or girl who steps outside the brothel risks physical punishment, retribution against her parents or relatives for defaulting on her debt, and/or arrest as an illegal immigrant -- by the same police who are often among the brothel owner's customers. The worst brothels in the town of Ranong in southern Thailand are underground and surrounded by electrified barbed wire and armed guards.

The Burmese women and girls face a wide range of abuses, including debt bondage; illegal confinement; forced labor; rape; physical abuse; exposure to HIV/AIDS; and in some cases, murder. They are usually kept in small cubicles where they both live and are forced to have sex with clients. Working conditions are inhumane. They work ten to eighteen hours a day, about twenty five days a month. They have an average of five to fifteen clients a day, with virtually no choice about whom to accept or what type of sex will occur. Health care and birth

³ These figures are estimated by local nongovernment organizations that provide assistance to women and girls in the Thai sex industry.

control are minimal, and the costs are usually added to the women's debt with interest. In some instances, women and girls who become pregnant are forced to abort illegally or to continue to service clients well into their pregnancies. Many of the girls are brought into Thailand precisely because they are virgins; most return to Burma with the AIDS virus. Fifty to seventy percent of the women and girls we interviewed were HIV positive.

Thai government officials, particularly the local police, are involved in every stage of trafficking and forced prostitution, despite clear national and international prohibitions against these activities. One-third of the women and girls we interviewed identified police who had been involved in transporting them from the border into Thailand, sometimes directly to the brothel. Others mentioned that the recruiters and drivers paid off Thai border and provincial police who control roads connecting Burma to Thailand and monitor border checkpoints. Although it is illegal to operate a brothel under Thai law, many brothels nonetheless flourish with the knowledge of the local police. The State Department *Country Reports* describes how, in many cases, brothel owners pay off local government officials and the police. Laws against adult and child prostitution are rarely enforced.

Largely in response to a highly visible campaign by Thai and international NGOs, Thai Prime Minister Chuan Leekpai last year vowed to crack down on child and forced prostitution. This crackdown has yielded some positive results. The jurisdiction of the central Crime Suppression Division was extended to cover forced prostitution. The Thai government is also currently considering reforms of the anti-prostitution law to strengthen penalties for brothel owners, procurers, and customers, while reducing penalties for the women and girls. These laws have yet to be passed, but appear likely to be considered by the House of Representatives in May. Thailand has yet to ratify the principle international instruments relevant to the traffic in persons, particularly the Convention for the Suppression of Traffic in Persons and of the Exploitation of the Prostitution of Others and the International Covenant on Civil and Political Rights.

Unfortunately, for the most part, the main target of the Thai government's crackdown on forced prostitution has been the trafficking victims themselves. In virtually every case that we investigated, the women and girls were apprehended while the brothel owners, pimps, procurers and customers remain free. Moreover, despite clear evidence of official complicity and even direct involvement, we know of no case where a police officer was prosecuted for involvement in trafficking and forced prostitution specifically.

Not only do the arrests discriminate against the Burmese women and girls; they are conducted with little regard for their fundamental right to due process under international law and Thailand's criminal procedures code. Raids on brothels are usually carried out without warrant, and the women and girls subsequently are held, sometimes for long periods, without charge or trial. The duration of their detention is often determined by their ability to pay their way out. When legal procedures do occur they are routinely conducted in Thai without an interpreter, even though few of the Burmese can understand.

During their detention, the Burmese women and girls experience horrific prison conditions, routine custodial abuse, public humiliation and beatings and, in many instances, forced HIV testing without their informed consent. Police often release some of the Burmese back into the hands of brothel owners who have negotiated bribes, and deport other women and girls as illegal immigrants back to Burma.

Although going home is the greatest hope of most of the Burmese women and girls we interviewed, deportation as illegal immigrants is one of their greatest fears. Both Thai law and international anti-trafficking norms establish mechanisms by which trafficking victims can return to their country of origin without any menace of penalty from either government. Unfortunately, under the Chuan administration, summary deportation of the women and girls has been the rule, and the process is as corrupt and deplorable as every other aspect of their experience in Thailand.

As this Subcommittee is well aware, the SLORC regime's horrendous human rights record is among the worst in the world. Most Burmese women and girls who face deportation from Thailand do not want to be delivered to SLORC officials. There are reliable reports that those who were deported through the southern Thai town of Ranong were immediately arrested upon return and imprisoned for exiting Burma illegally and engaging in prostitution. These arrests violate the internationally guaranteed right to freely exit and enter one's own country and do not take into account the involuntary nature of the women and girls' prostitution.

Consequently, the preferred crossing point for Burmese women and girls who can afford to pay the necessary bribes is through Kanchanaburi province in Thailand. Through this point, they enter into minority-controlled or disputed territories in the Burmese war zone where they have the best chances of evading the SLORC authorities. Because so many are desperate to exit through Kanchanaburi, the immigration jail there has become one of the most corrupt and abusive detention centers in Thailand. Sexual harassment by prison guards is so common that many women pay to be placed in a cell with male detainees who pose as their "husbands" for protection. Those who do not have money are prey to sexual abuse. Those who refuse advances by the guards reportedly are beaten.

The actual deportation scene is filled with additional horrors. On the day of deportation, women and girls are loaded onto a cargo truck to standing capacity, locked in, driven to a point along the border and told to get out. The point is often in the jungle or a deforested area, far from any village or main road. It is so chaotic and desolate that some women and girls will accept offers from recruiters -- who trail them from the immigration jail to the border -- for transportation back into Thailand. The costs of transportation then become a new debt that entraps them all over again.

As currently implemented, Thailand's official crackdown on forced and child prostitution, and the subsequent deportation of women and girls, is a mockery of law enforcement and of international human rights. In its present form, it does not generate protection for women and girls, but rather additional opportunity for personal enrichment for corrupt police and

immigration officials. In this sense, the crackdown has exacerbated rather than ameliorated the plight of women and girls trapped in brothels. The widely-circulated stories of mistreatment in police custody during and after deportation deter women and girls from attempting to escape, and leave them completely dependent on the brothel owners who portray themselves as the only ones capable of returning them to Burma safely, once they work off their debt.

Bangladesh/India/Pakistan

The network that trafficks Bangladeshi women and girls clandestinely through India to Pakistan operates in very similar ways to Thailand. According to the Karachi-based organization Lawyers for Human Rights and Legal Aid, there are now more than 200,000 Bangladeshi women and girls in Pakistan as a result of trafficking. And the situation is intensifying. In just two years, between 1990 and 1992, the number of trafficking victims brought into Pakistan each month increased ten-fold.⁴

As in Thailand, unsuspecting victims accept offers of decent jobs with good pay in Pakistan, only to find themselves forced to work in brothels as prostitutes or servants. Sometimes, recruiters simply drug and abduct the women and girls. Those who attempt to escape run the risk of being arrested for illegal immigration and prostitution, and detained for prolonged periods in police lock-ups, where physical and sexual abuse by the guards is rampant. Because the police are regarded as a menace rather than a source of protection, pimps and brothel owners are able to manipulate the women and girls' fear of exposure and arrest to control them.

This illicit trade has been going on for approximately 15 years. In the early days of this trade, Bangladeshi women and girls were blatantly sold in night markets in Pakistan to brothel owners and individual clients for \$800 to \$1,600, depending on the beauty, virginity and health of the victim. As this problem became more publicized, pimps took to arranging "marriages" between a woman or girl and her buyer, with the purchase price disguised as "dowry." This subterfuge protects both the pimps and the women from prosecution under Pakistan's *Hudood Ordinances* which, among other things, outlaw extramarital sex and mete out severe punishment for transgressions.⁵

⁴ According to a social worker who runs the largest refuge for Bangladeshis in Pakistan, an estimated 15 to 20 Bangladeshi women and girls were brought into Pakistan clandestinely each month in 1989. By October 1991, the monthly rate had increased to approximately 150 to 200.

⁵ Under the *Hudood Ordinances*, both fornication and rape are criminal offenses, with the punishment varying according to the religion and marital status of the accused, the witnesses and the evidence on which the conviction rests. If a woman who alleges rape cannot prove conclusively — to a court system that in general is biased against testimonies from women — that the act occurred without her consent, she risks having her allegation converted into a charge of fornication against herself. For rape and fornication, the *Hudood Ordinances* provide a maximum sentence of death by stoning. Lesser punishments include imprisonment and whipping.

Although the Pakistani government has ratified international conventions against slavery and trafficking,⁶ it has utterly failed to take effective measures to hold traffickers, pimps and brothel owners accountable for human rights abuses against Bangladeshi women and girls. Beginning around 1990, there have been reports of police raids on prostitution dens. But the results echo the situation in Thailand. Of the few traffickers and pimps who have been arrested, to our knowledge not a single one has ever been prosecuted and punished.

By contrast, women and girls who cannot make bail are held in prolonged detention. For those charged with illegal immigration, which carries a relatively short sentence, the pre-trial detention period reportedly often exceeds the likely sentence by as long as one to three years. During this time, they often are vulnerable to physical and sexual abuse by the prison guards. Guards have also been known to release women and girls into the custody of known traffickers. One of the lawyers for the Bangladeshis told us that the pimps have more access to his clients than he does.

Official corruption aside, the victims are also penalized by a criminal justice system that discriminates on the basis of gender. Both the police and the courts presume that the Bangladeshi women and girls consented to prostitution, despite evidence to the contrary. Moreover, the practice of charging trafficking victims with *Hudood* offenses makes it nearly impossible for them to serve as effective witnesses against their abusers, and thus to receive justice under the law.

We are particularly concerned that in some instances women charged under the *Hudood Ordinances* are remanded by the courts to quasi-penal "shelters" as a form of "protective custody." In fact, these so-called "shelters" function more like prisons. In a Lahore remand facility, Darul Aman, women detainees report beatings by the superintendents and prolonged detention. At a similar facility in Karachi, local government officials exposed a prostitution ring operating out of the "shelter." Suspected prostitutes, wrongfully remanded to these quasi-penal institutions in the first place, were reportedly being compelled to prostitute themselves in order to alleviate the adverse conditions of their allegedly "protective" custody. There is no better example to illustrate the decisive role of government complicity in maintaining rather than breaking the cycle of poverty and sexual exploitation that underlies the global trafficking problem.

Women's groups and human rights organizations in Thailand and Pakistan have achieved some success in raising the visibility of the problem of sex trafficking in Asia. But they need international support to ensure accountability. Thus far, that international support, including from the United States government, has been less than forthcoming.

⁶ Pakistan has ratified the 1926 Slavery Convention, the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade and Any Practices Similar to Slavery, as well as the 1950 Convention for the Suppression of Traffic in Persons and of the Exploitation of the Prostitution of Others.

U.S. Policy: Combatting Trafficking into Thailand

Coverage of trafficking in persons in this year's *State Department Country Reports* is improved but abuses against women continue to be under-reported. For example, the Pakistan chapter does not mention trafficking. An additional problem exists in the way in which trafficking is classified in the reports. In particular, we call the Subcommittee's attention to the fact that the reports do not recognize forced prostitution in Thailand as slavery or as forced labor. Instead, forced prostitution is identified as a form of "discrimination."

While trafficking both reflects discrimination against women and is perpetuated by it, to characterize this abuse solely as discrimination has serious ramifications for the way it is understood and remedied not only under Thai law, but also under U.S. human rights law and international human rights standards. Discrimination is not as vigorously punished as slavery or trafficking under international human rights standards or Thai law.⁷ Moreover, while slavery is covered by U.S. human rights law prohibiting security and economic assistance to countries that consistently engage in gross violations of internationally recognized human rights, discrimination is not. Finally, the Administration's failure to classify trafficking for forced prostitution as forced labor exempts this abuse from consideration under section 502 of the Trade Act, which obligates the U.S. Trade Representative to review worker's rights when deciding which countries to designate as U.S. trade beneficiaries. The persistent mis-classification of sex trafficking as solely discrimination actually impedes efforts to address and end it.

Beyond the quality of reporting, Human Rights Watch is particularly concerned that findings of abuse in the *Country Reports* infrequently move the U.S. to meaningful action to stop the abuse. In the case of Thailand, the State Department has documented the complicity of Thai police and border officials in trafficking of women and girls from neighboring countries into Thailand for forced prostitution since 1991. Meanwhile, the U.S. has and is continuing to provide police training and sell arms and equipment to the Thai police, including the border police, without ever investigating their involvement in trafficking and forced prostitution.

We understand that following the publication of our report, Secretary Christopher has requested the U.S. Embassy in Thailand to raise the issue of trafficking with the Thai government. We urge this Subcommittee to monitor the Thai response, but mere inquiry is not enough.

As an immediate first step, the U.S. government should condition further police training, arms and equipment sales, and anti-narcotics aid to the Thai police on a finding that such assistance is not benefitting law enforcement units that are implicated in human trafficking or forced prostitution. The U.S. and Thai governments must establish procedures to vet systematically the participants in all Thai police training programs to screen out any who might have engaged in any aspect of trafficking in women and girls. Since abuses against the Burmese

⁷ There is no general provision against discrimination in Thai law, except in the Thai constitution which does not confer a justiciable right.

women and girls occur not only in the brothels, but also in official custody, the U.S. should also seek to exclude Thai government agents suspected of abusing women in custody.

Beyond ensuring that U.S. aid and sales are not benefitting abusive police officers, we believe that the U.S. government should also send a clear signal that it will not countenance impunity for police involved in trafficking or custodial abuse. The U.S. can send this signal by conditioning further U.S. aid to the Thai police and arms sales on progress towards prosecuting and convicting culpable members within their ranks.

We propose the following indicators of progress. First, the Thai government must vigorously enforce all domestic laws that can lead to the prosecution and punishment of those who are involved in the transportation, sale and forced prostitution of women and girls, whether they are government officials or private individuals.

Second, the U.S. should urge Thailand to enter into a bilateral agreement with Burma to investigate the involvement of border police on both sides of the border in the illegal traffic in women and girls. Thai and Burmese immigration officials should also be trained in their obligations under international norms to protect trafficking victims.

Third, Thailand must immediately end the practice of arresting and summarily deporting trafficking victims. It violates international norms, domestic law and basic principles of due process. Instead, receiving countries should create non-penal shelters for such women and girls pending their supervised repatriation to their country of origin, provided they have no well-founded fear of persecution on return.

Finally, for those women and girls whose status as trafficking victims is ambiguous, the Thai government must uphold their fundamental right to due process, including an impartial trial without undue delay, with the right to appeal thereafter. The women and girls should also have access to legal counsel and an interpreter to assist in all legal proceedings. Furthermore, they should have the opportunity to testify against their abusers.

Not only aid, but also U.S. trade relationships with Thailand should be subject to the same vigorous concern for Thai official complicity in the traffic of women and girls. Therefore, we call on the U.S. Trade Representative to investigate Thai official involvement in forced labor in the area of prostitution in the course of evaluating a petition on Thailand's labor rights situation that was filed last year by the AFL-CIO, pursuant to Section 502(b)(8) of the Trade Act. Forced labor is squarely within the purview of the legislation. As the review period is expected to end in early April, we strongly urge that it be extended, and that U.S. negotiators call upon the Thai authorities to take the specific steps outlined here.

U.S. Policy: International Trafficking in Persons

With minor variations, the above recommendations are relevant for countries other than Thailand. For example, sex discrimination under law and in practice is manifested in different

ways in different countries. In Pakistan, legal reform must ensure that the courts accord the same weight to women's testimony as to men's.

Ideally, the United Nations should launch a campaign for universal ratification of the Trafficking Convention. Pursuant to this Convention, sending and receiving countries should elaborate bilateral or multilateral agreements for the repatriation of trafficking victims without penalty, as was proposed by Parliamentary Assembly of the Council of Europe in April 1993 to address trafficking in Europe. Those who can establish well-founded fear of persecution upon repatriation should be given the opportunity to apply for political asylum and legal status in the receiving country. Given that many of the trafficked women and girls had been held in debt bondage, and face substantial language and educational barriers, we also urge governments to provide free legal representation to those who are indigent.

Recognizing that the status of alleged trafficking victims is sometimes ambiguous, receiving countries should uphold basic rights to due process and ensure that their police lockups, immigration detention centers, and other penal institutions conform to the U.N. Standard Minimum Rules for the Treatment of Prisoners to minimize mistreatment of those who have been apprehended as illegal immigrants.

These institutions should also be open to monitoring by local and international human rights monitoring organizations. In particular, we urge that the United Nations Working Group on Arbitrary Detention examine the often wrongful and discriminatory use of illegal immigration and anti-prostitution laws arbitrarily to detain female trafficking victims. This year's report of the UN Working Group on Arbitrary Detention, which has the mandate to "investigate cases of detention imposed arbitrarily or otherwise inconsistently with the relevant international standards," makes no mention of this increasingly pervasive problem.

In the absence of adequate government assistance for trafficking victims, a number of local non-government organizations in many affected countries have stepped into the breach to provide them with shelter, legal and psychological counselling, and health services. The strain on their limited resources is immense and growing. The NGO presence does not in any way diminish the responsibility of governments who should work to establish refuge for rescued victims who have been abused within their territories. The U.S. can assist in some of these areas. Administration of Justice projects should include training in the rights of trafficking victims; establishing standards and procedures for determining the legal status of trafficking victims; and promoting respect for the right to due process. USAID's enlarged democracy and human rights program could support both government and NGO efforts to provide legal and other aid for detained trafficking victims and, in particular, legal literacy for women. The U.S. is also a major supporter of Thailand's AIDS program, and should ensure that it is rooted in respect for fundamental rights, in conformance with World Health Organization guidelines.

U.S. Policy: Women's Human Rights

To its credit, the U.S. State Department has enhanced coverage of women's human rights

in the 1993 *Country Reports on Human Rights Practices*. We are also aware that the State Department has begun to hold semi-regular inter-agency meetings to coordinate its work on women's human rights. However, as the case of Thailand clearly illustrates, the Administration is still a very long way from the full integration of women's human rights into U.S. foreign policy to which it pledged itself during Assistant Secretary of State John Shattuck's appearance before this Subcommittee in September of 1993 and on many other occasions.

In our view, and that of the House Foreign Affairs and Senate Foreign Relations Committees, an internal State Department mechanism is needed to ensure that violations of women's human rights, including sex trafficking, not only are reported on but also are acted on by the State Department. Strategies to address these violations must also be consistently translated into effective foreign policy action.⁸ To this end, Human Rights Watch strongly endorses the provisions in both the House and Senate versions of this year's State Department Authorization Bill to appoint a senior advisor on women's human rights to the Office of the Undersecretary for Global Affairs. This internal advocate would not substitute for the initial and important work in this area being conducted by Deputy Assistant Secretary Nancy Ely-Raphel in the Bureau of Human Rights and Humanitarian Affairs and her counterpart in the International Organizations Bureau. Rather, this senior advisor would be tasked to ensure that the integration of women's human rights is the rule rather than the exception for U.S. foreign policy. S/he would work with the State Department regional and functional bureaus, USAID, the Defense, Treasury and Justice Departments, and U.S. representatives at the U.N. and the multilateral development banks to coordinate their efforts to integrate women's human rights into U.S. foreign policy, and to ensure that they take appropriate steps to press for accountability from governments who abuse or systematically fail to protect women within their territories.

We believe such a senior advisor could help to advocate a more forceful, comprehensive U.S. strategy that would include both punitive measures and incentives to combat violations of women's human rights, including sex trafficking and forced prostitution, wherever they occur.

Human Rights Watch also strongly urges the Clinton Administration to ratify expeditiously the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). This treaty contains, among other things, a provision calling on all state parties to suppress all forms of traffic in women. Our government's regrettable delay in ratifying CEDAW diminishes our moral authority to denounce trafficking in women and girls worldwide.⁹

⁸ Assistant Secretary Shattuck commented that "[t]he reports are used as a resource in making decisions on U.S. foreign policy and serve as a basis for bilateral dialogue and program planning on ways the U.S. can work with foreign governments and private groups to improve human rights and strengthen democracy worldwide." Foreign press briefing with Assistant Secretary for Human Rights and Humanitarian Affairs John Shattuck on Human Rights Report, February 3, 1994.

⁹ It is worth noting that the U.S. also has neither signed nor ratified the international Convention for the Suppression of the Traffic in Persons and of the Exploitation of Others of March 21, 1950.

Biography

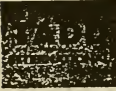
Dorothy Q. Thomas
 Director
 Women's Rights Project

Dorothy Q. Thomas is director of the Women's Rights Project of Human Rights Watch. When she began the Project in 1990, Human Rights Watch had never conducted any consistent research or advocacy on women's human rights. Three years later the Project has released ten reports documenting severe women's human rights abuse in all five regions monitored by Human Rights Watch.

Dorothy was born in New York City. She has a Masters degree in women's studies and literary theory from Georgetown University. She has travelled to Brazil, Pakistan, India and Russia to investigate women's rights violations ranging from wife murder, to trafficking in women, to rape of women in war, to the forced control of women's virginity.

Most recently, Dorothy played a key role in highlighting abuses of women's rights at the World Conference on Human Rights in Vienna. She has appeared on BBC, PBS, NPR and has been interviewed by national newspapers including the New York Times, Los Angeles Times, Boston Globe, The Washington Post and Miami Herald. She is the author of several reports on international women's human rights, including Criminal Injustice: Violence Against Women in Brazil, Double Jeopardy: Police Abuse of Women in Pakistan, and A Modern Form of Slavery: Trafficking of Burmese Women and Girls into Brothels in Thailand. She also has published several articles on women's human rights including "Domestic Violence as a Human Rights Issue" and "Rape in War: Challenging the Tradition of Impunity."

She appeared before the Sub-Committee on International Security, International Organizations and Human Rights in September 1993 to testify about women's human rights and U.S. foreign policy.



TECHNICAL
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TESTIMONY OF KENNETH L. KLOTHEN BEFORE THE HOUSE COMMITTEE ON
FOREIGN AFFAIRS, SUBCOMMITTEE ON INTERNATIONAL SECURITY,
INTERNATIONAL ORGANIZATIONS AND HUMAN RIGHTS
HEARING ON THE SEXUAL EXPLOITATION OF WOMEN AND CHILDREN

March 22, 1994

For further information: Kenneth L. Klothen
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A portion of TADD International's profits funds education and training programs in the developing world

Mr. Chairman and distinguished members of the Subcommittee:

My name is Kenneth Klothen. I am a principal in the consulting firm of TADD International, Acting Executive Director of Defense for Children International-USA and an adjunct professor teaching the law of international human rights at two law schools. For the past six years I have worked in the area of international children's rights, monitoring and reporting on violations and advocating for legal recognition of the fundamental human rights of the world's children.

It is extremely heartening to see this Committee take up the challenge of developing policy in the area of the trafficking in children for sexual exploitation. Of the innumerable violations of children's basic human rights that advocates see day in and day out, none is more wrenching than the sexual exploitation of children for profit. I am grateful and honored to be able to contribute, even in a small way, to your efforts to end this affront to human dignity.

My remarks today will be focused on the issue of child prostitution and sex tourism, but at the outset I want to make explicitly two points that the very title of this hearing implicitly recognizes, and two more that it does not but which nevertheless must be kept in mind:

First, the commercialization of the sexual exploitation of children is not limited to any particular geographic region, culture, level of economic development or even period in history.

Second, violations of children's right to be free from sexual exploitation is inextricably bound up with violations of women's right to be free from sexual exploitation, which similarly are found around the world.

Third, child prostitution often involves violations that go beyond sexual exploitation - it is also an exploitation of child labor and usually involves denial of rights to health care and education as well.

Finally, trafficking in children for purposes of prostitution is only one point on a spectrum of abuses involving child trafficking and sexual exploitation. Some children are supplied as domestic servants or mail-order brides and suffer sexual exploitation incident to their status as "wife" or servant. Others migrate to cities because their families cannot support them and end up as prostitutes when they can find no other means of survival on the streets. For this reason, we are better off thinking of the problem as one of children losing a right to enjoy a family life and suffering sexual exploitation as a result of that loss.

The Problem of Definitions

In the area of child prostitution and sex tourism, there are several realities that policy

makers must confront.

First, we must remember that we are dealing with not one, but two problems of potentially international dimensions. On the one hand, there is the trafficking in children themselves; that is, the deliberate movement of children for purposes of prostitution from one place to another. There is also the movement of customers, who travel from their homes to places where child prostitutes are to be found. Either or both of these aspects may involve movement across international borders. Neither can be ignored if the problem of child trafficking is to be solved.

Second, it must be admitted that reliable statistics on both of these problems are lacking. The information we have tends to be collected by a variety of governmental and non-governmental entities and is difficult to compare and verify. Much of it is anecdotal and sensationalist.

Nevertheless, several inescapable realities emerge that are relevant to policy makers in the United States:

1. In many countries in the developing world with which the U.S. has diplomatic, trade and other ties, trafficking in children for purposes of sexual exploitation is common and widespread.
2. In some of these countries there is substantial domestic demand for child prostitutes.
3. Still other countries, including our own, are the source of customers in the form of sex tourists, travelling business men, military personnel and resident ex-patriates who fuel the demand for child prostitutes of both sexes.

Origins of the Traffic

Child prostitutes generally come from poor families in remote rural areas or in urban slums that cannot earn or produce enough to support all their family members. Some such children enter street life attempting to support themselves - and contribute to the family economy - as mobile street vendors, shoe shine boys, or similar jobs but turn to prostitution when they cannot survive on such "legitimate" income. These children are often not full time sex workers, although some may become so over time. They are of both sexes and range in age from under 10 to late teens.

Children who are found in brothels, particularly in Asian countries, have often gone there directly from their villages. Such children are frequently turned over by their parents to procurers in return for a cash advance, to be paid off by the child's labor. Parents may or may not know what kind of work the child is being indentured into. Recently, credible reports of parents selling children to obtain money for drugs introduced as part of the growth of the drug

industry in Asian countries have been published.

Children thus sold or indentured into prostitution are generally girls between the ages of 12 and 16, but numerous cases from several different countries of girls as young as six have been reported.

Destination of the Traffic

It appears that the great majority of children sold, indentured, lured or otherwise falling into prostitution remain in their home country, although many of these may end up far from their actual homes. Nevertheless, movement of children across international borders is common. Children from Nepal, Bangladesh and India have been found in Pakistan and the Gulf States, and Thai children have been found in brothels in Japan.

Some countries have tourist areas that cater to foreigners seeking sex. Sex tourism involving children centers in less developed countries - Thailand, the Philippines, Sri Lanka, India, and the Dominican Republic are examples. However, we also know that large numbers of prostitutes in Western countries come from poorer nations, and that international procurement rings regularly smuggle prostitutes into Western European countries and the United States. Recent press reports have stated that the INS estimates that up to 7,000 Asian women are smuggled into the U.S. every year for purposes of prostitution. We do not know whether any of these are children, but it is difficult to believe that the smugglers are scrupulous enough to respect the age of majority.

Conditions Faced by Child Prostitutes

Wherever they are found, child prostitutes pay a terrible price for their abandonment by the adult world. Many are virtual slaves to their procurers, forced to "work" to pay off not only the original "loan" to their families but also usurious interest, charges for room and board and other bogus expenses. A study in Thailand found that child prostitutes served an average of three customers per day, six or seven days per week, every week of the year. Several served as many as 15 customers each day.

Conditions faced by child mail order brides and domestic servants can be almost as bad. They are often seduced or raped and then cast out into the street, where resort to prostitution becomes the only means of survival.

Obviously, such children are robbed of their childhood. But increasing numbers pay an even higher price. Venereal diseases are endemic among these children, and HIV infection is increasing at alarming rates. Ironically, as AIDS sweeps through the worldwide population of sex workers, the demand for child prostitutes seems to be increasing because of the mistaken belief by some customers that AIDS cannot be contracted from children and the representation

by many pimps of child prostitutes as virgins.

Policy Implications

The gruesome and pervasive nature of the traffic in children must not blind us to the possibilities of policy initiatives that can contribute significantly to saving and restoring children's lives. While the United States cannot solve the problem alone, we can and should take a leadership position in promoting international solutions.

This can be done in five specific areas:

1. Sponsor the Collection of Reliable Data

While there can be no doubt that the problem of trafficking in children for purposes of sexual exploitation is pervasive, reliable and comparable data on which to base policy decisions are lacking. Remedying this lack would be a small but positive step in the right direction. We need to know more about the parameters of the problem in specific countries, about the prevalence of sex tourism from our own country and about the responses (or lack of them) by other governments to this problem.

2. Ratify the Convention on the Rights of the Child

This treaty has been signed by over 150 countries, and the United States is increasingly isolated as one of the few remaining hold outs. The Convention contains explicit provisions against child trafficking and sexual exploitation. Signature and ratification would help establish a uniform international standard and facilitate international cooperation on programs aimed at prevention and rehabilitation.

3. Monitor Countries' Performance on Implementing Children's Rights

The State Department monitors and reports on the status of human rights in countries around the world. These reports should address the status of children's rights as well, including children's right to be free from sexual exploitation.

4. Criminalize Sex Tourism

Senator Grassley has introduced legislation in the Senate that would make sex tourism involving children a violation of federal law. Other countries that are the source of sex tourists

have already taken this step. This is a positive development that should be supported.

5. Use Foreign Assistance Creatively

Around the world, non-governmental organizations have sprung up to rescue and rehabilitate child prostitutes and to prevent children and families from falling prey to the pimps and traffickers. A recent survey by the International Catholic Child Bureau reviewed the work of 49 such organizations.

These organizations often report that the governments of their countries place a higher priority on the hard currency tourism attracts than on the toll it may take on their children. The United States should emphasize to these governments that it wants to see real steps taken to eliminate child trafficking. Failure to do so should carry tangible consequences. In countries where governments are reluctant to act, we should shift economic assistance to support directly, without the mediation of the government, non-governmental groups working with affected children and their families.

We can also help these groups develop more far-reaching approaches to the problem. In this country, we have developed innovative family preservation programs to combat the incidence of child sexual abuse in the home; working with NGOs to develop meaningful family preservation programs, particularly in conjunction with traditional rural development initiatives, would help address the problem at its source.

In addition, groups working with child prostitutes are often isolated from other organizations and approaches in areas relevant to the needs of these children. For example, health care NGOs may be able to assist in providing access to health care for these children, while labor groups may have models for delivering literacy training or other educational services in or close to the workplace. Programs working with street children have developed outreach methods that can gradually wean kids from street life and provide surrogate families in a home-like environment. Many of these models may well be adaptable to the needs of child sex workers, and international funding agencies should seek ways to link NGOs working with such children with NGOs in other areas.

I have provided here only a cursory overview of the terrible problem of child trafficking for purposes of sexual exploitation. I thank the distinguished members of this Subcommittee for helping to focus the country's attention on this issue, and urge your continued involvement in finding means to end this modern form of slavery.

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EMPLOYMENT

Principal, TADD International (Technical Assistance for Development and Democracy),
Swarthmore, Pennsylvania; 1994 - present

Principal in firm providing consulting services in the areas of law reform, public sector-private sector partnerships and corporate social responsibility. The firm donates a percentage of its profits to projects providing education and training in the developing world.

Executive Director, Defense for Children International-USA, Philadelphia, Pennsylvania;
1992 - 1994 (Acting Executive Director January - April, 1994)

Supervised and implemented all aspects of program and administrative work of organization engaged in monitoring and advocacy on behalf of children's rights in the United States and other countries, following merger with Children's Rights International.

Executive Director, Children's Rights International, Philadelphia, Pennsylvania; 1989 - 1992

Founding executive director of international human rights monitoring and reporting organization. Supervised and performed all aspects of program and administrative work of the organization.

Adjunct Professor of Law, University of Pennsylvania School of Law and Widener University Law School, Philadelphia, Pennsylvania and Wilmington, Delaware; 1992 - present

Teach course in International Human Rights, supervise Public Service Program students in area of international human rights practice

Adjunct Professor of Law, Case Western Reserve University School of Law, Cleveland, Ohio; 1990 - 1991

Taught course on International Human Rights, advised student volunteers on Haitian Refugee Legal Assistance project.

Private practice of law, Cincinnati and Cleveland, Ohio and Philadelphia, Pennsylvania; 1981-1989

Attorney in Health Care, Trade Regulation and Litigation departments of three large law firms; Of Counsel and Co-chair of Health Law Department at medium sized firm

EDUCATION

J.D. cum laude, Georgetown University Law Center, 1981

M.A. in History, Princeton University, 1976

B.A. in Psychology, Swarthmore College, 1973

OTHER ACTIVITIES

Co-Chair, Committee on International Human Rights, Philadelphia Bar Association, 1993 - present

President, Board of Trustees, Philadelphia Bar Human Rights Fund, 1993 - present

Child Advocate, Support Center for Child Advocates and Court of Common Pleas, Philadelphia County, Pennsylvania

Serve as guardian ad litem to children in dependency proceedings.

Board of Directors, Americans for Peace Now. (Shalom Achshav)

PUBLICATIONS AND PRESENTATIONS

"Annals of Torture and Chaos" (reviewing Rosenberg, Children of Cain: Violence and the Violent in Latin America), Foundation News [in press]

"Guatemala," in International Encyclopedia of Children's Rights, 1992

"The Convention on the Rights of the Child and Child Welfare Policy: The Experience of Other Countries," Proceedings of UNICEF Conference on Street Children, Bucharest, Romania, 1992

"Child Advocacy and the Convention: A Key Role for Social Workers," presented at International Congress of Social Work, Washington, D.C., 1992

"The Latin American Family: Views of Latin American Psychology," presented at Hahnemann University Graduate Program in Family Therapy, Philadelphia, 1992

"Human Rights and the Jewish Funding Community," presented at the Jewish Funders Network Conference, Santa Cruz, 1991

"Children at Risk: A Global Perspective," presented at the Annual Meeting of the American Academy of Pediatrics, New Orleans, 1991

"Costa Rica: Children's Rights, Social Welfare and the Environment," presented at the Philadelphia World Affairs Council, 1991

"Challah With Rice and Beans: The Jewish Communities of Central America," presented at Philadelphia Jewish Community Relations Council, 1991

"Primer on the Law of HMOs: Antitrust Concerns," in HMOs: A Primer on the Law of Health

Maintenance Organizations, Pennsylvania Bar Institute, 1986

"Antitrust Implications of the Activities of Health Maintenance Organizations," 25 St. Louis U.L.J. (1981) (with W. Kopit)

"The Federal Health Planning Amendments," 2 Health Plan.L.Rep. No. 18, at 2 (with W. Kopit)

Various op-ed pieces on children's rights and foreign affairs in several daily and weekly newspapers, including the Philadelphia Inquirer, Cleveland Plain Dealer and St. Louis Post-Dispatch

Speaking engagements on Central America, international children's issues and human rights for synagogue, church and civic groups

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Chairman, National Board

David R. Mercer
National Executive Director

CHILD PROSTITUTION

Statement of Mr. George' Rehnquist
Chair
International Committee
YMCA of the USA

Submitted to the
SUBCOMMITTEE ON INTERNATIONAL SECURITY,
INTERNATIONAL ORGANIZATIONS AND HUMAN RIGHTS
of the
COMMITTEE ON FOREIGN AFFAIRS
The. Hon. Tom Lantos, Chairman

March 18, 1994

Mr. Chairman and Members of the Committee:

The YMCA of the USA appreciates the opportunity to state its views on the issue of child prostitution, a world-wide phenomenon that we deplore and are working to learn more about and to help eradicate. We wish to work with you as you explore this issue and to be of assistance as you seek solutions.

A central commitment of the YMCA as it has evolved and broadened its reach over the decades is to assist all people - but especially the young - to reach their full potential in spirit, mind and body. The YMCA is a world-wide fellowship now active on every continent except Antarctica. The YMCA of the USA has long been involved through YMCAs in other countries and with the support of other organizations and agencies such as the U.S. Agency for International Development in helping people help themselves. In Fiji, for example, the YMCA of the USA assisted the local YMCA in developing a quality child-care center in Suva. In China, the YMCA of the USA has worked with the YMCA of China and the Chinese government to make possible the construction of a school and a new clinic as well as intensive training of teachers and medical personnel in remote Yunnan Province. More than \$400,000 for this project has been raised in the United States. In Lebanon, the YMCA of the USA and the YMCA of Lebanon are administering a \$2 million USAID grant for relief and redevelopment efforts in that war-torn country.

The YMCA AND CHILD PROSTITUTION

In recent years, the YMCA here and elsewhere has become increasingly concerned as the number of children sold into the sex trade has increased dramatically. Given its concern for wholesome values and the development of healthy lifestyles, the YMCA has watched with horror as the practice of involving children - some as young as 6 or 7 - in commercial sex has proliferated worldwide. Although precise figures are hard to come by, the estimates are staggering, according to the following data gathered by the National Council of Churches. The International Catholic Child Bureau estimates that globally child prostitution is a \$5 billion business. In India, according to The Child and The Tourist by Ron O'Grady, 20 per cent (400,000) of the estimated two million prostitutes are minors. In Argentina, prostitution centers train children ages 8 to 10, then sell them in the United States and Arab countries. (Source: Children in Danger.) In Thailand, the Center for Protection of Children's Rights estimates there are 200,000 to 400,000 prostitutes under the age of 16, although these figures are disputed by the government and others. In Sri Lanka, where child prostitution was virtually unknown before the 1970s, official estimates indicate there are at least 2,000 young boys involved in

prostitution but child advocate researchers put the number at more than 10,000. In Manila, estimates place the number of child prostitutes at 40,000, twice UNICEF's 1987 figures. The root causes of child prostitution are not difficult to identify: deepening poverty in many rural areas which puts increasing economic pressures on families, a growing and hugely profitable international market for commercialized sex, low status of women and children in many cultures and the breakdown of family and community support systems.

How to deal effectively with this growing problem is more daunting, but there has been some progress. The Campaign to End Child Prostitution in Asian Tourism (ECPAT), was launched in 1991 by the Christian Conference of Asia, The Asia Catholic Bishops' Conference and the Ecumenical Coalition on Third World Tourism. ECPAT has focused international public attention on sex tourism and child prostitution in Sri Lanka, Thailand, the Philippines and Taiwan. The campaign is aimed primarily at foreign tourists who exploit local children. ECPAT has national support groups in Germany, the United Kingdom, Switzerland, Sweden, Belgium, Denmark, Vietnam, New Zealand, Japan, France, Netherlands, Canada, Australia and the U.S. Members of ECPAT-USA include the Presbyterian Church (U.S.A.), Maryknoll Sisters, The Salvation Army, United Methodist Church, Evangelical Lutheran Church in America, National Council of Churches of Christ (U.S.A.), Grey Panthers and many other church-related groups. According to ECPAT-USA, more than one million children are forced into prostitution every year, most of them in Asia. In addition to promoting broader public awareness, ECPAT-USA has been pressing for U.S. ratification of the United Nations Convention on the Rights of the Child. ECPAT International is convening a meeting of diplomats and others at the Bangkok YMCA June 13-14, 1994 to propose an international conference on child prostitution in 1996.

An international group of YMCA women studied the issue of sex tourism and child prostitution in Asia prior to a World Assembly meeting in Seoul, Korea, in 1991. They concluded, among other things, that "social, cultural and religious beliefs and values that treat women as inferior encourage prostitution" and that there is "insufficient education and information provided both to the women and child prostitutes about lasting impacts" of this way of life. The study group recommended that the YMCA "definitely play a role on an international level to combat the exploitation of women and children in the sex tourism industry" and that the "World Alliance of YMCAs become an active partner with other world-wide social and religious organizations which are already committed to eradicating child prostitution."

The YMCA of the USA is well aware that child prostitution is a complex global problem which will require complex and coordinated solutions, including public awareness and education in developed and developing countries alike, stronger law enforcement world-wide, rural economic development and strategic interventions with the population most at risk.

In Thailand, the Bangkok YMCA has recently launched an outreach program in 12 villages in Chiangrai Province to help prevent child prostitution by working through communities, schools and families to keep 100 girls between 8 and 18 in school for the next three years. The YMCA of the USA is supporting this effort by encouraging individuals to provide scholarships for these young women (\$350 per year supports one girl). The YMCA of the USA is currently reviewing a proposal to provide \$15,000 over three years for a revolving loan fund which will be used to enhance village economic development. The Bangkok YMCA has chosen to focus on Chiangrai Province in the extreme northwest corner of Thailand because it is a major source of children for the sex trade, partly because of poor economic conditions in that area and partly because young women there are thought to be especially attractive. A Bangkok YMCA outreach worker in Chiangrai recently reported the case of a 14-year-old girl who was sold by her family into prostitution for a television set. She was later diagnosed as HIV-positive. A brochure describing the work of the Bangkok YMCA in helping to prevent child prostitution is attached to this statement.

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